

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DURAISWAMY

W.P.Nos.24494 of 2014 and 32762 of 2016
and M.P.No.1 of 2014 and W.M.P.No.10007 of 2017

N.Thirumurugan ... Petitioner in W.P.24494/2014

G.K.Sethuraman ... Petitioner in W.P.32762/2016

Vs.

1. The Secretary to Government (Temples)
Government of Union Territory of Pondicherry
Pondicherry.
2. The Commissioner
Pondicherry Hindu Religious Institutions
Puducherry
... R1 & R2 in W.Ps.24494/2014 &
32762/2016
3. N.Thirumurugan,
President, Board of Trustees
of Arulmighu Kotteswaramudayar
Devasthanam, No.50, Bharathiyar,
Street, Kottucherry, Karaikal.
... R3 in W.P.32762/2016

W.P.No.24494/2014 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent relating to the impugned orders dated 18.05.2012 bearing Ref.No.G.O.Pa.Va.No.58/HRI/Ko.2/2012 and the order dated 28.08.2014 bearing Ref.No.G.O.Pa.Va.No.22/HRI/Ko.2/2014 and quash the same and consequently direct the respondents to permit the petitioner to continue as the President of Board of Trustees along with other Trustees to administer the trust of Arulmigu Kotteswaramudayar Devasthanam till the completion of renovation works and Kumbabhishekam in respect of Arulmigu Varadharaja Perumal Temple.

W.P.No.32762 of 2016 filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the concerned records

relating to the order dated 12.09.2016 passed by the 2nd respondent and quash the same and consequently direct the respondents 1 and 2 to appoint permanent Board of Trustees for A/m.Kotteswaramudayar Devasthanam, Karaikal.

W.P.No.24494/2014:

For Petitioner : Mr. Ilanthiraiyan
for M/s Sai Bharath and Ilan

For Respondents : Mrs.D.Reena Iswariya
AGP (Pondicherry)

W.P.No.32762 of 2016 :

For Petitioner : Mr.M.Gnanasekar

For Respondents: Mrs.D.Reena Iswariya
(for R1 & R2),
AGP (Pondicherry)

Mr.Ilanthiraiyan
for M/s Sai Bharath and Ilan
(for R3)

C O M M O N O R D E R

W.P.No.24494 of 2014 has been filed by the President of the Trust for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent dated 18.05.2012 and the order dated 28.08.2014 and quash the same and consequently direct the respondents to permit the petitioner to continue as the President of Board of Trustees, along with the other Trustees, to administer the Trust of Arulmigu Kotteswaramudayar Devasthanam till the completion of the renovation works and Kumbabhishekam, in respect of Arulmigu Varadharaja Perumal Temple.

2. W.P.No.32762 of 2016 has been filed by the erstwhile Treasurer of the Devasthanam, to issue a writ of Certiorarified Mandamus to call for the records relating to the order dated 12.09.2016 passed by the second respondent and quash the same and consequently direct the respondents 1 and 2 to appoint permanent Board of Trustees for Arulmigu Kotteswaramudayar Devasthanam, Karaikal.

3. The President of the Trust has filed W.P.No.24494 of 2014 challenging the appointment of Special Officer by order dated 28.08.2014. According to the petitioner,

one Inspector of Police was appointed as Special Officer, to take charge of the temple. The erstwhile Treasurer of the Devasthanam has filed W.P.No.32762 of 2016, challenging the orders dated 02.08.2016 and 09.09.2016, passed by the second respondent in respect of the administration of the temple and to prevent possible misuse of funds by the third respondent and the said orders were cancelled by the second respondent, by order dated 12.09.2016. Aggrieved over the re-calling of orders dated 02.08.2016 and 09.09.2016, the erstwhile Treasurer has filed the Writ petition. The respondents filed their counter.

4. Mrs.Reena Iswariya, learned Additional Government Pleader, Pondicherry submitted that the respondents 1 & 2 are going to appoint new trustees and therefore, the relief sought for in both the Writ petitions have become infructuous.

5. The learned counsel for the petitioner in W.P.No.24494 of 2014, submitted that since the festival is scheduled to be held from 17.04.2017 to 19.05.2017, the petitioner may be permitted to continue as the President till the completion of the Temple festival and thereafter, the new trustees to be appointed by the respondents 1 and 2 may take charges.

6. The learned counsel on either side agreed for the proposal made by the learned counsel for the petitioner. Hence, the petitioner in W.P.No.24494 of 2014 was directed to file an affidavit to that effect on 24.04.2017. Accordingly, the petitioner filed an affidavit dated 25.04.2017 before this Court today, wherein he has stated as follows:

"3. I sincerely state that now, the festival of Theemidhi Thiruvizha have been fixed on 15.05.2017 to the temple of Arulmigu Seethaladevi Mariamman Temple, Kottuchery, Karaikal and it is going on from 17.04.2017 and will be completed on 19.05.2017. For this festival, I have arranged everything for the festival and that should be organized properly since in my presidential ship, all the arrangements have been made and as such, I have to finish it off in a good manner. Therefore, I may be permitted to continue as the President of Arulmigu Kotteswaramudayar Devasthanam, Karaikal till the festival and I may be

granted further 60 days of time to hand over the accounts of Arulmigu Kotteswaramudayar Devasthanam, Karaikal to the 2nd respondent."

7. In the affidavit, the petitioner has stated that he has arranged everything for the festival and therefore, he may be permitted to continue as President, till the completion of the temple festival on 19.05.2017. Further, he seeks sixty days time to hand over the accounts to the respondents 1 and 2.

8. The learned Additional Government Pleader and the learned counsel appearing for the petitioner in W.P.No.32762 of 2016 are also agreeable for the proposal made by the petitioner.

9. In view of the same, the petitioner in W.P.No.24494 of 2014 shall continue as the President of the Trust till 20.05.2017 and he is also directed to hand over the accounts of Arulmigu Kotteswaramudayar Devasthanam, Karaikal to the second respondent on or before 30.06.2017. It is open to the respondents 1 and 2 to appoint new trustees to take charge of the administration of the temple from 21.05.2017.

The affidavit filed by the petitioner is taken on record and the same shall form part of the record.

With these observations, both the Writ petitions are closed. No costs. Consequently, connected Miscellaneous petition is also closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

gsa/jer

To

1. The Secretary to Government (Temples)
Government of Union Territory of Puducherry.

2. The Commissioner, Pondicherry
Hindu Religious Institutions,
Pondicherry.

+2cc to M/s.Sai Bharath & Ilan, Advocate sr.25542,25543

+1cc to Government Pleader (pondicherry) sr.25508

+2cc to Mr.M.Gnanasekar, Advocate sr.25730

W.P.Nos.24494 of 2014 and 32762 of 2016

vsn(co)
ss(28/4/2017)



WEB COPY