

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.24988 of 2013

and

M.P. No. 1 of 2013

Ramu

..Petitioner

Vs.

1. The Revenue Divisional Officer,
Chidambaram, Cuddalore District.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Dept.,
Collectorate Complex,
Villupuram.
3. The Inspector
Hindu Religious and Charitable Endowments Dept.,
Thillaikaliyamman Koil,
Chidambaram, Cuddalore District.
4. Arulmigu Kamatchi Amman Temple,
Kamachi Amman Koil Street,
Mandakarai, Chidambaram,
rep. by its Present Managing Trustee,
Sundaresa Patha.
5. Sundaresa Pathar
6. Marriappan
7. Rajendran
8. Sekar

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner, dated 23.08.2013, and pass necessary orders for implementation of resolution of peace committee meeting, dated 12.04.2013 convened by the first respondent.

For Petitioner : Mr.S.Sounthar

For Respondent-1 : Mr. A.Raja Perumal
Additional Government Pleader

For Respondents 2and3: Mr.R.P.Prathap Singh
Govt. Advocate for HR & CE

For Respondents 5,7&8: Mr.N.Sankaravadivelu

For Respondents 4 & 6: No appearance

O R D E R

The petitioner has filed this Writ Petition, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider his representation, dated 23.08.2013, and to pass appropriate order for implementation of the resolution taken in the Peace Committee Meeting held on 12.04.2013.

2. Learned counsel for the petitioner submitted that the fourth respondent-Temple, viz., 'Arulmigu Kamatchi Amman Temple' was founded and administered by Viswakarma Community. The day-to-day affairs of the Temple has to be looked after by the Board of Trustees elected by the members of the said Community. The administration of the Temple is governed by a Scheme, passed in O.S.No.8 of 1993, on the file of the Sub Court,Chidambaram, dated 05.04.2002. As per clause 18 of the said scheme, meeting for electing the Board of Trustees has to be convened once in five years, and Board of Trustees consists of five members and one among them has to act as Managing Trustee. The trustees so elected are entitled for re-election only once. In other words, persons, who acted as trustees for two times (i.e. for a period of 10 years) are not entitled to continue as trustees. The administration of the Temple is at present looked after by respondents 5 to 7. Since the respondents 5 to 7, who are elected trustees of the Temple continued to administer the Temple even after expiry of 10 years, problem arose between the members of the said Community, and hence, a Peace Committee Meeting was convened by the first respondent on 22.10.2012, wherein, a decision was taken that the Board of Trustees headed by Sundaresa Pathar, the fifth respondent shall continue to administer the Temple till 25.10.2012 and they must resign the post on or before 31.10.2012. In the said meeting, it was also decided that new trustees have to be elected on or before 15.12.2012. But, the respondents 5 to 7 continued to hold the post even after 31.10.2012 and did not convene any meeting as per the resolution taken on 22.10.2012, rather, they convened a meeting consisting of their own men headed by the eighth respondent and attempted to conduct Kumbabishekam for the Temple. Therefore, again, a

Peace Committee was convened by the first respondent, dated 12.04.2013 and a decision was taken that new board of trustees have to be elected on an election to be held on 10.07.2013. However, respondents 5 to 7, with an intention to continue to hold the post of trusteeship, postponed the election of new board of trustees, which is scheduled to be held on 10.07.2013. Respondents 5 to 8 also unilaterally proclaimed that Kumbabishekam will be performed on 11.09.2013. Regarding the high-handed action of the respondents 5 to 8, the petitioner submitted a representation, dated 23.08.2013, to the respondents 1 to 3 to intervene into the issue, and prayed for implementation of the resolution taken in the Peace Committee Meeting held by the first respondent on 12.04.2013. Since the said representation evoked no response, the petitioner is constrained to approach this Court by way of filing the present Writ Petition.

3. Learned counsel representing the department respondents submitted that the representation of the petitioner is only to stop the Kumbabishekam, the performance of which has already been over on 19.10.2013. With regard to the election to be conducted for new trustees, if any the representation is submitted by the petitioner, the same will be considered by the respondents, in accordance with law.

4. Heard Mr.S.Sounthar, learned counsel for the petitioner, Mr. A.Raja Perumal, learned Additional Government Pleader for the Revenue, Mr.R.P.Prathap Singh, learned Government Advocate for HR & CE and Mr.N.Sankaravadivelu for respondents 5, 7 & 8.

5. As submitted by the learned Additional Government Pleader, the plea of the petitioner in his representation is to stop the Kumbabishekam, which has been performed on 19.10.2013 itself. No further order is granted for the above said relief. With regard to the grievance of the petitioner to conduct election for new trustees, the petitioner is directed to submit a fresh representation to the 2nd respondent and on receipt of the same the 2nd respondent is directed to consider the same on merits and in accordance with law and dispose of the representation as expeditiously as possible.

6. The Writ Petition is disposed of, with the above direction. Consequently, the connected M.Ps are closed. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

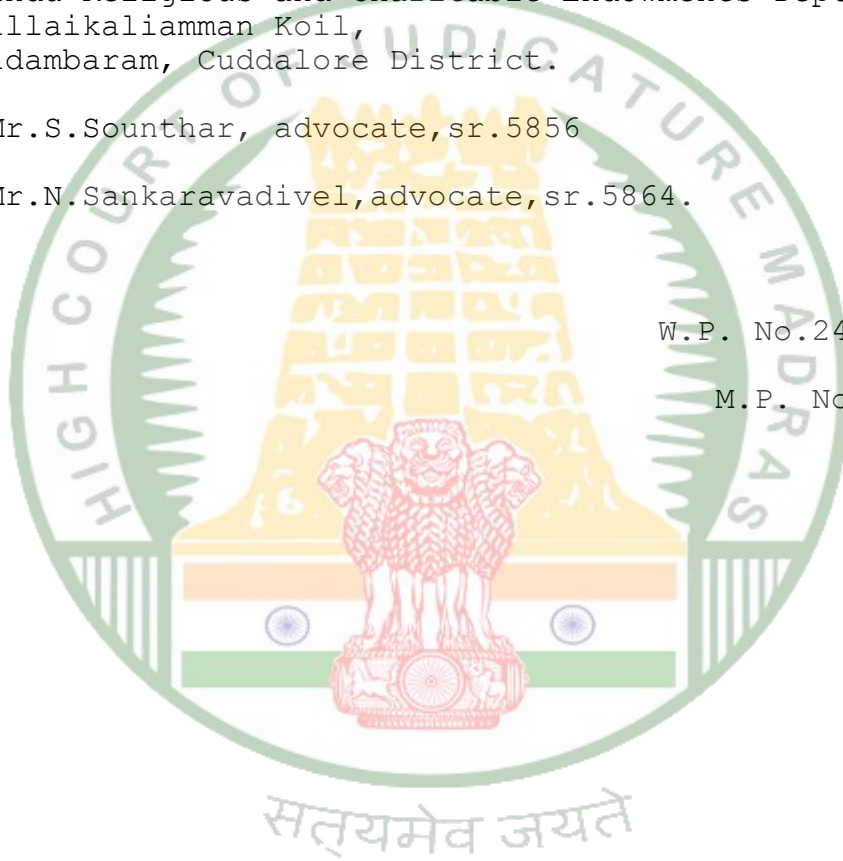
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Chidambaram, Cuddalore District.

+1 cc to Mr.S.Sounthar, advocate,sr.5856

+1 cc to Mr.N.Sankaravadivel,advocate,sr.5864.

rr(co)
krd 28/3

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