

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.18198 of 2013
& M.P.Nos.1 & 2 of 2013

D.Sakkaravarthi

.. Petitioner

Versus

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Vellore-9.
2. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai - 600 034.
3. The Fit Person-cum-Executive Officer,
Arulmigu Isthala Sayanaperumal Temple,
Mamallapuram, Thirukalukundram Taluk,
Kancheepuram District.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records of the 1st respondent dated 25.06.2013 and made in proceedings No.Na.Ka.No.5152/2013/A2 and quash the order of the 1st respondent as illegal and without jurisdiction and consequently direct the 1st respondent to appoint hereditary trustee in terms of the scheme decree framed in O.S.No.4 of 1920, Sub Court, Chengalpet for the Arlumighu Varadharaja Perumal Temple, Pathiri Village, Maduranthangam Taluk, Kancheepuram District.

For Petitioner : Mr.G.Ravi Sankar

For Respondents : Mr.R.P.Prathap Singh, GA (HR & CE)

O R D E R

The petitioner has filed this Writ Petition to call for the records of the 1st respondent dated 25.06.2013 and made in

proceedings No.Na.Ka.No.5152/2013/A2 and quash the order of the 1st respondent as illegal and without jurisdiction and consequently direct the 1st respondent to appoint hereditary trustee in terms of the scheme decree framed in O.S.No.4 of 1920, Sub Court, Chengalpet for the Arlumighu Varadharaja Perumal Temple, Pathiri Village, Maduranthangam Taluk, Kancheepuram District.

2. The learned counsel for the petitioner represented that prayer in the Writ Petition it is wrongly stated as "appoint hereditary trustee" instead of "appoint non-hereditary trustee" and he also submitted that the tenure of non-hereditary trustee has come to an end, as contended by the respondent-Department. But the Department has not appointed non-hereditary trustee in the light of the scheme decree framed in O.S.no.4 of 1920 by the Sub Court, Maduranthangam Taluk, Kancheepuram District. Therefore, he sought for appropriate orders, for appointment of non-hereditary trustee.

3. The learned Government Advocate appearing for the respondents submitted that the petitioner has no locus standi to seek for appointment of non-hereditary trustee in the present Writ Petition. Further, it is submitted that there is an alternative remedy of filing an appeal in respect of the prayer sought for in this Writ Petition.

4. In view of the submission made by both parties, this Court cannot give any direction to the first respondent as prayed for, in the Writ Petition. Hence, the Writ Petition is dismissed. However, liberty is granted to the petitioner to file an application for appointment of non-hereditary trustee to the Temple. On receipt of the said application, the respondents shall proceed in accordance with law. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

सत्यमेव जयते

sd/

Assistant Registrar(CS IV)

/true copy/

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Sub Assistant Registrar

pvs

To

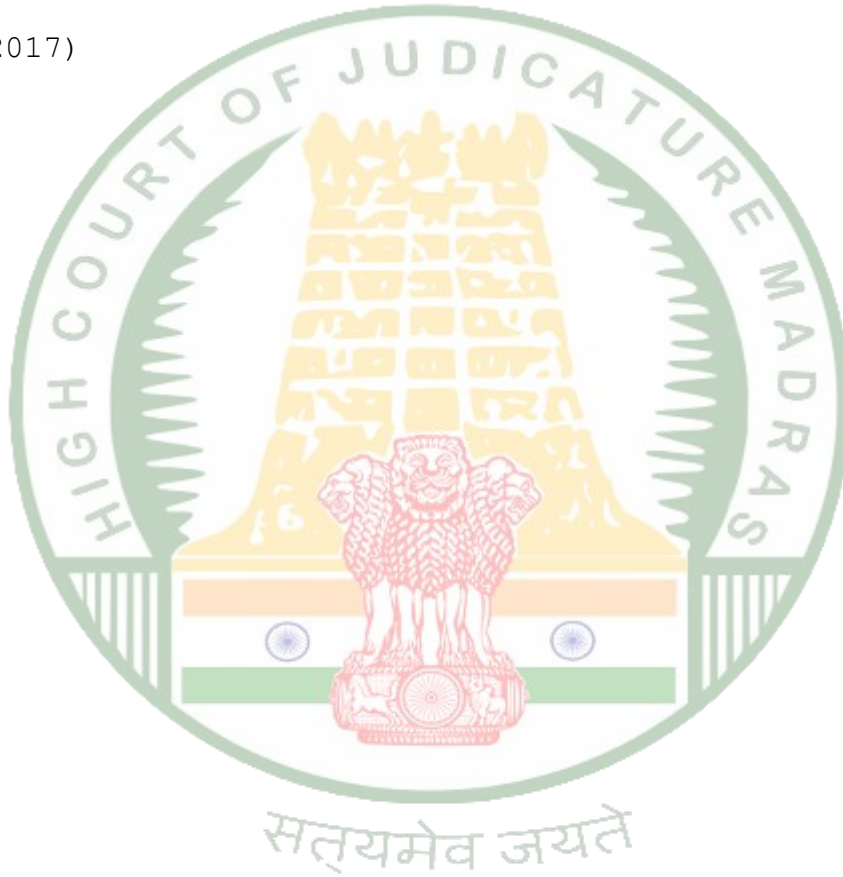
1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Vellore-9.

2. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai - 600 034.

+1cc to Mr.G.Ravisankar, Advocate SR.No.4344
+1cc to the Government Pleader Sr.No.4891.

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MP (CO)
GN(15/02/2017)



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