



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.07.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MR.JUSTICE **N.SATHISH KUMAR**

W.A. (MD) .No.460 of 2017

and

C.M.P. (MD) .No.4164 of 2017

Sri Ammalu Ammal @ Guruvammal Charitable Endowment

Represented by Managing Trustee

S.P.Vasudevan,

Alwarpuram,

Madurai North Taluk, Madurai District.

: Appellant

Vs.

1.The Joint commissioner,

Hindu Religious and Charitable

Endowments (Admn) Department, Madurai.

2.The Executive Officer of Arulmigu

Madhanagopalaswamy Temple,

The fit person of Sri Ammaluammal @

Guruvammal Charitable Endowments,

Madurai

: Respondents

PRAYER: Writ appeal is filed under Clause 15 of Letters Patent Act, to set aside the order dated 30.11.2016, passed in W.M.P.(MD). No.13744 of 2016 in W.P.(MD).No.19013 of 2016, on the file of this Court and thereby allow this writ appeal.

Prayer in WP(MD) . 19013/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARI or any other appropriate writ or order or direction in the nature of writ calling for the records of the 1st respondent dated 22.09.2016 vide proceedings Se. Mu. Na. Ka. No.5879/2015-2/Aa.1. and quash the same and thus render justice.

For Appellant : Ms.J.Anandhavalli

For Respondent No.1 : Mr.M.Murugan

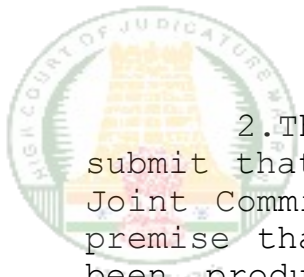
Government Advocate

For Respondent No.2 : Mr.S.Manohar

O R D E R

[Order of the Court was made by **M.M.SUNDRESH, J.**]

This writ appeal has been filed against the order of the learned Single Judge, by which a direction was issued to the Joint Commissioner to conduct the election on a consideration of the materials to be produced by the appellant, with respect to the relationship with the founder trustee namely, Ammaluammal @ Guruvammal as per the scheme decree.



2.The learned Counsel appearing for the appellant would submit that pursuant to the order of the learned Single Judge, the Joint Commissioner has rejected all the eleven applications on the premise that the documents pertaining to the legal heirs, have not been produced to his satisfaction. The learned Counsel would further submit the fact that some of the appellants who were elected as trustees earlier, have not been taken note of.

3.Insofar as the order under challenge is concerned, we do not find any error warranting interference. The order merely directs the appellant to produce the relevant materials. The sufficiency and relevancy of the materials produced are matters for consideration before the Appellate authority namely, the Commissioner, Hindu Religious and Charitable Endowments Department, before whom the appeal is pending, challenging the order passed by the Joint Commissioner.

4.We state that the learned Single Judge did not direct the petitioner and other appellants to produce the legal heir certificates or any clinching documents to establish their rights along with the genealogy. In other words, what was ordered was production of some materials to show the relationship between the applicants and the original trustee Ammaluammal @ Guruvammal.

5.With the above said observations, leaving all the issues open to be decided by the Commissioner, Hindu Religious and Charitable Endowments Department, this appeal stands disposed of. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar(Writ)

/True Copy/

Sub Assistant Registrar

To

1.The Joint commissioner,
Hindu Religious and Charitable
Endowments (Admn) Department, Madurai.

2.The Executive Officer of Arulmigu
Madhanagopalaswamy Temple,
The fit person of Sri Ammaluammal @
Guruvammal Charitable Endowments,
Madurai.

+1cc to M/s.J.ANANDHAVALLI Advocate in SR. No.63560
+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.63700
MR/TSG

JS/SV.SAR.1/17.7.2017/2P-5C

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