



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.10.2017
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P.(MD)No.11695 of 2017
and
W.M.P(MD) Nos.9016, 9361 of 2017

Pandiyammal

... Petitioner

Vs.

1.The Commissioner
Hindu Religious and Charitable
Endowment (Admn) Department,
Chennai.

2.The Joint Commissioner
Hindu Religious and Charitable
Endowment (Admn) Department,
Madurai.

3.P.Sivaji Poosari

4.PJaya

5.P.Pandeeswari

6.P.Chandra

7.P.Valli

8.P.Veeramalai

9.T.Poongodi

10.T.Pandeeswari

11.T.Priya

12.T.Samayan

13.T.Sankar

14.P.Manikandan Poosari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records of the second respondent dated 30.11.2016 in unnumbered Miscellaneous Petition vide proceedings Aa.Ni.Mu.No.9184/2016/E.1 and quash the same and direct the second respondent to take the petition on file and pass order on merits.

For Petitioner : Mrs.J.Anandhavalli

For R.1 & R.2 : Mr.VR.Shanmuganathan,
Special Government Pleader

O R D E R

This writ petition has been filed, seeking to quash the impugned proceedings Aa.Ni.Mu.No.9184/2016/E.1 dated 30.11.2016 against the second respondent. The petitioner also sought for a direction to the second respondent to take the petition on file and pass order on merits.



2. Heard the learned counsel appearing on either side.

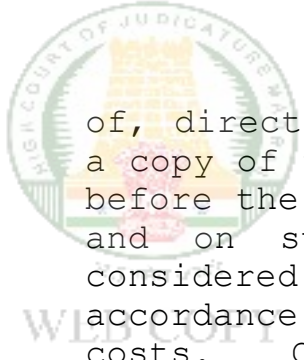
3. According to the petitioner, by virtue of an order dated 05.09.1935, passed by the Hindu Religious and Charitable Endowments Board in O.A.No.459 of 1933, the Trusteeship of Arulmighu Pandi Muneeswarar Temple lies under two branches, namely, Bodha Poosari and Mahamuni Poosari and the petitioner comes under the branch of Bodha Poosari and her father died in 1973 leaving behind her mother, herself and three sons as his legal heirs. The third respondent, after attaining majority, filed an application to record him as hereditary trustee without showing the petitioner as one of the legal heirs of the deceased Ponnan Poosari and the same was allowed on 10.11.1983. The subsequent application filed by the petitioner before this Court seeking to record her as one of the hereditary trustees under the office held by Ponnan Poosari was dismissed as barred by limitation by order dated 20.06.2008, which was subsequently reversed on 03.04.2009 on a Revision Petition in R.P.No.35 of 2008 filed by the Commissioner, H.R. and C.E. Department, Chennai.

4. It is submitted by the petitioner that after several rounds of litigation, the petitioner finally preferred a Special Leave Petition before the Hon'ble Apex Court, which was dismissed. While so, the Secretary to Government, Tourism, Culture and Endowment Department issued a charge memo against the third respondent by his proceedings dated 02.03.2016 and pending the charge memo, appointed a fit person. Thereafter, the proceedings were challenged by the third respondent and during pendency of the same, the third respondent submitted his explanation and the disciplinary proceedings were completed, thereby removing the third respondent from the Office of Trusteeship. Aggrieved over the same, the third respondent preferred a Civil Miscellaneous Appeal, which was allowed and the same was remitted for fresh enquiry and pending the same, the order of suspension is directed to be continued. Later, the petitioner filed a petition before the second respondent for cancellation of the order dated 10.11.1983 on account of the fraud played by the 3rd respondent and his subsequent removal. The said petition was returned to the petitioner by order dated 30.11.2016, which is impugned herein and aggrieved by such return, the petitioner is before this Court with the aforesaid prayer.

5. According to the learned Counsel appearing for the petitioner, the 2nd respondent, instead of considering the claim of the petitioner on merits, has simply returned the petition without even passing any order on the same, which submission is not stoutly refuted by the learned Special Government Pleader appearing for the respondents 1 and 2.

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6. Under such circumstances, this petition is disposed



of, directing the petitioner to represent the petition along with a copy of this order as well as the original order impugned herein before the 2nd respondent within a period of three weeks from today and on such representation being filed, the same shall be considered and appropriate orders passed on merits and in accordance with law as expeditiously as possible thereafter. No costs. Consequently, connected W.M.P(MD) No.9016 of 2017 is closed. In view of the above order passed, W.M.P(MD) No.9361 of 2017 filed for impleading the Executive Officer as party respondent to this writ petition is not warranted and the same is accordingly closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To:

1.The Commissioner
Hindu Religious and Charitable
Endowment (Admn) Department,
Chennai.

2.The Joint Commissioner
Hindu Religious and Charitable
Endowment (Admn) Department,
Madurai.

Copy to : The Section Officer, E.R.Section,
Madurai Bench of Madras High Court, Madurai.
(To return the original impugned order)

+1cc to Mr.J.Anandhavalli, Advocate, SR.82505

W.P. (MD) No.11695 of 2017
10.10.2017

RM

KK/SV MMS/SAR 3/12.10.2017/ 3P- 5C/