



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No.14166 of 2017

and

W.M.P (MD) No.11082 and 11083 of 2017

P.Durairaj

... Petitioner

Vs.

1.The Joint Commissioner

Hindu Religious and Charitable Endowments Department,
Madurai.

2.S.Gopalakrishnan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the impugned order passed by the first Respondent in O.A.No.1 of 2016 dated 12.05.2017 and quash the same as illegal.

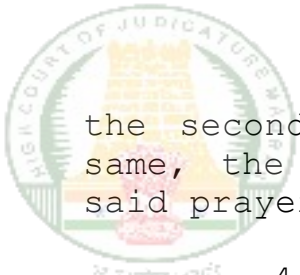
For Petitioner	: Mr.M.Kannan
For R1	: Mr.J.Gunaseelan Muthiah, Government Advocate
For R2	: Mr.S.Manohar

O R D E R

This writ petition has been filed, seeking to quash the impugned order passed by the first Respondent in O.A.No.1 of 2016 dated 12.05.2017.

2. Heard the learned counsel appearing on either side.

3. It is the case of the petitioner that originally the petitioner's grandfather was the hereditary trustee of Arulmighu Kaliyaperumal Thirukovil upto 31.12.1940. Thereafter, his father and brother Rengaraj have been recorded as hereditary trustee. After the demise of his brother Rengaraj, the petitioner is the hereditary trustee of the said temple. All of a sudden, the second respondent, by producing a copy of the impugned order dated 12.05.2017 passed by the first respondent in O.A.No.1 of 2016, claimed to have been appointed as a hereditary trustee. The first respondent without verifying the records available with them and issuing notice to the concerned persons, who have already been recorded as hereditary trustees has passed the impugned order, in gross violation of the principles of natural justice and declared



the second respondent as hereditary trustee. Aggrieved by the same, the petitioner has come before this Court with the above said prayer.

4. It is seen that the order of the first respondent stands vitiated as the 1st respondent has failed to follow his own records. Moreover, the petitioner herein had not been purposely added as a party in the said O.A.No.1 of 2016. The first respondent, without verifying the relevant records very much available under his custody, blindly passed the impugned order. Therefore, the impugned order has no legs to stand and the same is liable to be set aside.

5. Accordingly, this petition is allowed. The impugned order is set aside and the matter is remitted to the 1st respondent, who in turn shall give notice to the petitioner as well as the 2nd respondent and pass appropriate orders on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to them and any of the interested parties. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To:

The Joint Commissioner
Hindu Religious and Charitable Endowments Department,
Madurai.

+1cc to Mr.S.MANO HAR, Advocate, SR.79777
+1cc to Mr.M.KANNAN, Advocate, SR. 79361
+1cc to M/S.Special Government Pleader, SR.79602

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18.09.2017

RM

KK/GT/SAR 2/27.09.2017/ 2P- 5C/