

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.914 of 2018  
and  
WMP.Nos.1114 & 1115 of 2018

Arulmighu Angalamman Thirukoil  
Arangavalar Trust  
Rep. by its Board of Trustees  
1.C.Ramesh Poosari  
S/o.Chinnapaiyan  
2.Elumalai Poosari  
S/o.Rathinam Poosari  
3.Ganesan Poosari  
S/o.Kuppam Poosari  
4.Selvam Poosari  
S/o.Chinnathambi Poosari  
5.M.Saravanan Poosari  
S/o.Mannu Poosari  
6.K.Mani Poosari  
S/o.Krishnan Poosari  
7.U.Sekar Poosari  
S/o.Uppuchetty Poosari  
at Arulmighu Angalamman Thirukoil  
Melmalayanoor  
Villupuram District.

.. Petitioners

Vs.

- 1.The Secretary to Government  
Tourism, Culture and Endowment Department  
Fort St.George  
Chennai.
- 2.The Commissioner  
Hindu Religious and Charitable Endowment  
Department  
Nungambakkam, Chennai-600 034.
- 3.The Joint Commissioner  
Hindu Religious and Charitable Endowment  
Department, Villupuram.

4.The Assistant Commissioner  
Hindu Religious and Charitable Endowment  
Department, Villupuram.

5.The Assistant Commissioner / Executive Officer  
Arulmighu Angalamman Thirukoil  
Melmalayanur  
Villupuram District.

... Respondents

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 fix the term of office of the Board of Trustees as 3 years as per the scheme decree dated 05.03.1973 passed in O.A.No.144/68 by the respondents based on the representation dated 01.09.2017.

For Petitioners : Mr.C.Umashankar  
for Mr.T.Pappaiah Dharmarajan  
For Respondents : Mr.M.Maharaja  
Special Government Pleader (HR & CE)

#### O R D E R

Mr.M.Maharaja, learned Special Government Pleader (HR & CE) takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioners seek for mandamus directing the respondents 1 to 3 to fix the term of office of the Board of Trustees as 3 years as per the scheme decree dated 05.03.1973 passed in O.A.No.144 of 1968, based on their representation dated 01.09.2017.

3. The case of the petitioners is as follows:

Arulmighu Angalamman Thirukoil, Melmalayanoor, Villupuram District belongs to fishermen community of seven branches called as Kothus and is owned and administered by those 7 Kothus, represented by its heads elected from time to time as Trustees. A scheme decree was passed in O.A.No.144 of 1968 dated 05.03.1973, wherein and whereby, the persons selected as Trustees shall hold the office for a period of 3 years. Though, the term of the office was sought to be reduced to 2 years by the HR & CE Department, through a Government Order in G.O.No.188 dated 16.07.2012, the Government of Tamil Nadu allowed the then Trustees to function for 3 years from the date of their election. However, when these petitioners were elected in the year 2015, their term of office was fixed as 2 years vide G.O.No.167 dated 15.01.2015. Therefore, the petitioners through

their periodical representations commencing from 29.12.2015 onwards sought for extension of the term of office by one more year instead of confining it for 2 years as indicated in G.O.No.167 dated 15.01.2015. Though the Commissioner, HR & CE Department, directed the Joint Commissioner, HR & CE Department, Villupuram District through a communication dated 25.10.2017 to look into the grievance of the petitioners and pass appropriate orders, till date the above said request of the petitioners were not considered. In the meantime, the Commissioner, HR & CE Department, issued a notification on 10.01.2018 to conduct election to the Board of Trustees in the said Temple. Therefore, the petitioners filed the present writ petition with the above relief as stated supra.

4. Mr.C.Umashankar, learned counsel for the petitioners after inviting this Court's attention to various proceedings commencing from the scheme decree passed in O.A.No.144 of 1968 to issuance of election notice dated 10.01.2018 submitted that the petitioners, having been elected in the year 2015, are entitled to function as Trustees for 3 years and therefore, the HR & CE Department is not justified in restricting the period of office as 2 years.

5. On the other hand, Mr.M.Maharaja, learned Special Government Pleader (HR & CE) submitted that the period of office of the petitioners is already over and therefore, the notification was issued for conducting a fresh election. However, he fairly submitted that the representation of the petitioners seeking for extension of the period by 1 more year is yet to be considered and therefore, this Court can fix the time limit for considering the said representation.

6. Heard both sides.

7. The only grievance of the petitioners before this Court is that the period of office of the Trustees cannot be confined to 2 years, as indicated in the order of appointment issued in G.O.No.167 dated 15.01.2015 and on the other hand, it should be for 3 years, as per the scheme decree passed in O.A.No.144 of 1968 dated 05.03.1973. Indisputably, the period of office of the Trustees was fixed as 2 years and the same was communicated to the petitioners as early as on 15.12.2015. No doubt, the petitioners have made the representations seeking for extension of time by 1 year and admittedly, those representations were still pending. Therefore, without expressing any view on the respective contentions / claims made by the parties, this Court is of the view that the respondents, more particularly, the second and third respondents shall consider the claim of the petitioners seeking for extension of the period by 1 year and pass orders on the same, without loss of further time.

Therefore, this writ petition is disposed of, only with a direction to the respondents 2 and 3 to pass orders on the various representations given by the petitioners, last of which was made on 01.09.2017, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. Till an order is passed, the status quo as on today shall be maintained by both the parties in respect of administration of the Temple as well as election notification dated 10.01.2018. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-  
Assistant Registrar (CS IX)

True Copy

Sub-Assistant Registrar

mk

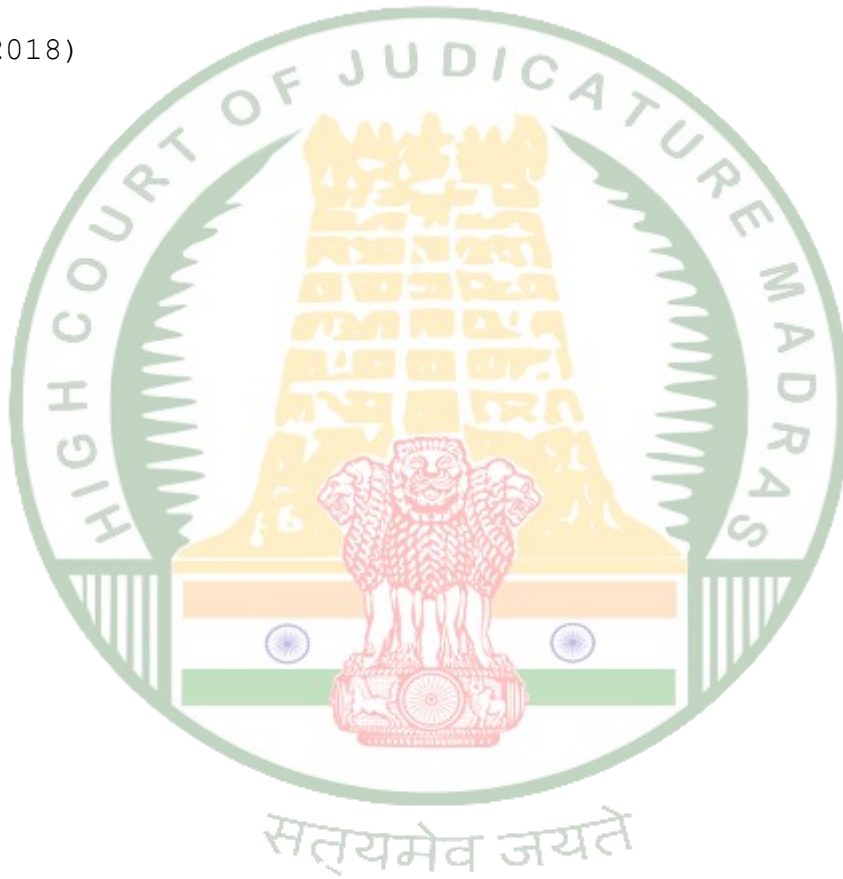
To

1. The Secretary to Government  
Tourism, Culture and Endowment Department  
Fort St. George  
Chennai.
2. The Commissioner  
Hindu Religious and Charitable Endowment  
Department  
Nungambakkam, Chennai-600 034.
3. The Joint Commissioner  
Hindu Religious and Charitable Endowment  
Department, Villupuram.
4. The Assistant Commissioner  
Hindu Religious and Charitable Endowment  
Department, Villupuram.
5. The Assistant Commissioner / Executive Officer  
Arulmighu Angalamman Thirukoil  
Melmalayanur  
Villupuram District.

+2 Ccs to Mr.T.Pappaiah Dharmarajan, advocate sr 3176.  
+1 CC to Govt. Pleader sr 3427.

W.P.No.914 of 2018

SP(19/01/2018)



WEB COPY