

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2018

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.4604 of 2018
and
WMP.Nos.5673 & 5674 of 2018

S.Murugesan Chettiar
S/o.A.S.Sivaraman Chettiar .. Petitioner

Vs.

1. The Commissioner
Hindu Religious & Charitable Endowment Department
No.119, Uthamar Gandhi Salai
Nungambakkam, Chennai-600 034.
2. The Joint Commissioner
Hindu Religious & Charitable Endowment Department
Trichy Division, Trichy District.
3. The Assistant Commissioner
Hindu Religious & Charitable Endowment Department
Ariyalur Division, Ariyalur District.
4. The Executive Officer
A/m. Kazhukumalai Nathaswamy Temple
Jayankodam Post, Ariyalur District.
5. The Inspector
Hindu Religious & Charitable Endowment Department
Jayankodam Post, Ariyalur District. .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for entire records pertaining to the impugned communication dated 23.02.2018 made in Na.Ka.No.19/2017 issued by the 5th respondent and quash the same and forbear the respondents not to interfere with the petitioner's peaceful administration and management of the A/m.Selva Vinayagar temple situated at Vilandai Village, Andimadam Taluk, Ariyalur District till the disposal of the O.A.No.15 of 2005 and R.P.No.1 of 2011 pending on the file of the 2nd respondent.

For Petitioner : Mr.V.Srikanth
For Respondents : Mr.M.Maharaja
Special Government Pleader

O R D E R

Mr.M.Maharaja, learned Special Government Pleader 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 petitioner claims to be a Hereditary Trustee of the Temple called Arulmighu Selva Vinayagar Temple. Claiming such status, the petitioner already filed an application before the concerned authority namely, the second respondent in OA.No.15 of 2005. During the pendency of such application, a Fit Person was appointed and the said appointment was challenged by the petitioner again in RP.No.1 of 2011, which is also pending before the second respondent. During the pendency of those two proceedings before the second respondent, it is stated that another order dated 08.12.2017 was passed, appointing the fourth respondent as a Fit Person, once again to the subject matter Temple. It is the contention of the petitioner that the said order was passed without affording an opportunity of hearing to the petitioner, apart from the fact that the same was also not communicated to him so far. Consequent upon such order, the present impugned order was passed on 23.02.2018, calling upon the petitioner to hand over the accounts and registers with regard to the administration of the subject matter temple. Challenging the said order dated 23.02.2018, the petitioner has filed the present writ petition with the relief as stated supra.

3. Mr.M.Maharaja, learned Special Government Pleader appearing for the respondents submitted that O.A.No.15 of 2005 was already heard and reserved for orders on 27.11.2017. Insofar as RP.No.1 of 2011 is concerned, the learned Special Government Pleader submitted that the same will also be heard by the second respondent and appropriate order will be passed on merits and in accordance with law.

4. Since it is admitted that both the proceedings are pending before the second respondent and in view of the contention raised by the petitioner that the present impugned order as well as the order appointing the Fit Person on 08.12.2017, were passed without affording an opportunity of hearing to the petitioner, this Court is of the view that the entire issue can be given quietus, if a final order is passed in OA.No.15 of 2005, wherein, the petitioner seeks the status of Hereditary Trusteeship. Accordingly, this writ petition is

disposed of on the following terms:

(a) The second respondent is directed to pass orders in O.A.No.15 of 2005 and RP.No.1 of 2011 within a period of four weeks from the date of receipt of a copy of this order.

(b) Till an order is passed in both the proceedings, the respondents are directed to maintain status quo as on today.

(c) It is made clear that this Court is not expressing any view on the merits of the claim made by the petitioner, as it is for the second respondent to consider and decide the same.

(d) The respondents are directed to furnish a copy of the order dated 18.12.2017 to the petitioner forthwith.

(e) Since RP.No.1 of 2011 is yet to be heard, the second respondent will give due opportunity of hearing to the petitioner and thereafter, pass such an order therein within the time stipulated herein.

(f) The petitioner shall co-operate with the second respondent for the disposal of OA.No.15 of 2005 and RP.No.1 of 2011 within the time stipulated herein.

No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner
Hindu Religious & Charitable Endowment Department
No.119, Uthamar Gandhi Salai
Nungambakkam, Chennai-600 034.
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Trichy Division, Trichy District.
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5. The Inspector
Hindu Religious & Charitable Endowment Department
Jayankodam Post, Ariyalur District.

+1cc to Mr.S.SRIKANTH, Advocate, S.R.No. 15837

+1cc to the Government Pleader, S.R.No. 158956

W.P.No.4604 of 2018

TR(08/03/2018)



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