

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7575 of 2018

Manikannan
S/o Kaliyaperumal

.. Petitioner

-vs-

1. The Commissioner
Department of Hindu Religious and
Charitable Endowment
119, Uthamar Gandhi Salai
Nungambakkam
Chennai 600 034

2. The Joint Commissioner
Department of Hindu Religious and
Charitable Endowment
Villupuram

3. The Deputy Commissioner
Department of Hindu Religious and
Charitable Endowment
Myladuthurai
Nagapattinam District

4. The Assistant Commissioner
Department of Hindu Religious and
Charitable Endowment
Cuddalore
Cuddalore District

5. The Inspector
Department of Hindu Religious and
Charitable Endowment
Kattumannarkoil
Cuddalore 608 301

6. K.P.Babu

7. S.Ravichandran

8. K.Loganathan

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceeding in Se.Mu.Na.Ka.No.6179/2017/E2 dated 19.03.2018 issued by the second respondent and the consequential Notice issued in Na.Ka.No.51/2018 dated 23.03.2018 issued by the fifth respondent and quash the same and further directing the respondents 2 to 5 to adhere the provisions of the Scheme framed in O.A.No.39 of 1982 dated 06.10.1989 by the third respondent for administration of the temple namely Arulmighu Drowpathi Amman Thirukoil.

For Petitioner :: Mr.G.Pugazhenth

For Respondents :: Mr.M.Maharaja
Special Government Pleader
for R1 to 5

ORDER

This writ petition is directed against the impugned order dated 19.3.2018 passed by the Joint Commissioner of Hindu Religious and Charitable Endowment Department, the second respondent herein appointing the respondents 6 to 8 as trustees of the temple in question and one another proceeding issued by the fifth respondent dated 23.3.2018 directing the respondents 6 to 8 to participate in the election to be held in his office premises on 3.4.2018 at 3.00 P.M., for selecting the Managing Trustee of Board of Trustees.

2. Learned counsel for the petitioner submitted that the Joint Commissioner of Hindu Religious and Charitable Endowment Department, Villupuram, without following the procedure laid down by the scheme, appointed the respondents 6 to 8 as trustees. Therefore, the impugned order and the consequential order passed by the fifth respondent directing them to participate in the election to be held on 3.4.2018 have to be interfered with. Adding further, it was stated that when the temple in question and its properties are all administered by the Board of Trustees consisting of not more than five trustees appointed by the appropriate authority from among the panel of ten persons to be elected by the adult male members who have completed the age of at least 25 years hailing from Kavara Naidu and Kavara Chettiyar communities of Kattumannarkoil town by means of secret voting system, this has not been followed. Therefore, the impugned orders are liable to go.

3. The learned Special Government Pleader for the respondents 1 to 5 submitted that the impugned order passed by the second respondent under Section 64(1) of the Hindu Religious

and Charitable Endowments Act is always amenable to appeal to be heard by the Commissioner of Hindu Religious and Charitable Endowment Department as per Section 69 of the said Act. Therefore, when the petitioner has got an effective, alternative and efficacious appeal remedy, Article 226 is a bar, in view of the existence of an alternative remedy.

4. This Court, fully agreeing with the objection raised by the learned Special Government Pleader for the respondents 1 to 5, is not inclined to entertain the writ petition. Therefore, this writ petition is dismissed giving liberty to the petitioner to approach the Commissioner of Hindu Religious and Charitable Endowment Department to work out his remedy as per law. Consequently, W.M.P.Nos.9461 to 9463 of 2018 are also dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Commissioner
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Department of Hindu Religious and
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Kattumannarkoil
Cuddalore 608 301

+1cc to MrG.Pugazhanthi, Advocate, S.R.No.24458

+1cc to the Government Pleader, S.R.No.24560

W.P.No.7575 of 2018

KJI (CO)

RRK (27/04/2018)



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