

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1430 of 2016

and

W.M.P.Nos.1192 and 1193 of 2016

S.Kothandaraman

....Petitioner

Versus

1. The Commissioner,
Hindu Religious & Charitable Endowment Admn Dept,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowment Admn Dept,
Sathuvachary,
Vellore - 9.
3. The Executive Officer,
Arulmigu Sundaravaradaraj Perumal Temple,
Vadakkupattu Village,
Sriperumbudur Taluk,
Kancheepuram District.
4. V.N.Sowrirajan
5. M.V.Ragunath
6. C.Aravindan

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order dated 19.10.2015 made in Se.Mu.Na.Ka. No.1376/2015/A2 passed by the 2nd Respondent, quash the same and direct the 2nd respondent to conduct enquiry on the application of the petitioner dated 15.04.2015 and consider the same for the appointment of non hereditary trustees.

For Petitioner :Mr.V.Srikanth

For Respondents :Mr.M.Maharaja,
Special Government Pleader(HR & CE)
for RR1 to R3

Mr.C.Jagadish for RR4 to 6

O R D E R

The order passed by the Joint Commissioner, Hindu Religious and Charitable Endowment Department dated 19.10.2015 in respect of appointment of non-hereditary trustees is under challenge in this writ petition.

2.On a perusal of the order impugned dated 19.10.2015, it is clear that the tenure of the appointed trustees were two years. Thus, the period has been already expired and no further adjudication is required in respect of the impugned order.

3.However, the learned counsel for the writ petitioner brought to the notice of this Court that the non-hereditary trustees of the 3rd respondent Temple has been appointed without following the terms and conditions stipulated in the scheme. It is needless to state that authorities concerned, while undertaking the process of selection are bound to consider the terms and conditions stipulated in the scheme. All the officials including Mahasaba, who are conducting the process of selection are bound to consider the scheme before recommending the names or appointing the persons as non-hereditary trustees in the third respondent Temple.

4.At the outset, the provisions of the Hindu Religious and Charitable Endowment Act as well as the scheme formulated in respect of the particular Temple and the procedures to be followed are to be implemented scrupulously by all concerned and there cannot be any deviation in this regard. In view of the fact that the tenure in respect of the impugned order dated 19.10.2015 had already been expired, it is made clear that all future appointments are to be made only by following the scheme and as per the provisions of the Act without any violation by all concerned.

5.In this regard, the writ petitioner is also permitted to submit a detailed representation to the competent authorities, setting out the terms and conditions of the Scheme and other documents, if he wishes to give before the authorities concerned. In the event of submitting any such application, the same also to be considered at the time of undertaking the process of selection for appointment of non-hereditary trustees in the 3rd respondent Temple.

6.Thus, no further adjudication is required in respect of the impugned order is necessary and the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

tsg/kak

To

1.The Commissioner,
Hindu Religious & Charitable Endowment Admn Dept,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowment Admn Dept,
Sathuvachary,
Vellore - 9.

3.The Executive Officer,
Arulmigu Sundaravaradaraj Perumal Temple,
Vadakkupattu Village,
Sriperumbudur Taluk,
Kancheepuram District.

+1 CC to Mr.V. Srikanth, Advocate sr 56536.

+1 CC to C.Jagadish, Advocate sr 56264.

+1 CC to Spl. Govt. Pleader sr 56194.

सत्यमेव जयते

W.P.No.1430 of 2016

SP(06/09/2018)

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