

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.02.2018
CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.Nos.22019 of 2010 &
29668 of 2011

W.P. NO. 22019 OF 2010:

ARULMIGHU SUNDARARAJAPERUMAL
& THATHEESWARAR DEVASTHANAMS
REP.BY T.G.RAJAN(DECEASED), HEREDITARY TRUSTEES
THIRUMANAM VILLAGE , POONAMALLEE DIVISION
CHENNAI-600 072.

1.V.Padmini

2.T.G.Yuvakumar

3.T.R.Thulasingham

4.D.Durga Lakshmi

5.T.G.Amarnath

(The legal heirs of T.G.Rajan are impleaded
as P1 to P5 as per order dated 20.02.2018 in
WMP No.4460/2018) .. Petitioners

versus

1. The Commissioner,
Hindu Religious & Charitable
Endowment Board, Chennai-600 034.

2. The Executive Officer,
Arulmighu Thirumazhisai Alwar @
Jegannatha Perumal Thirukoil,
Thirumazhisai,
Thiruvallur District.

3. The Joint Commissioner,
Hindu Religious & Charitable
Endowment Board, Vellore-9.

(R3-impleaded as per order dated 02.12.2011 by MMSJ in
M.P.No.1/2011)

4.M.R.Murali

5.M.R.Ramanan

(R4 & 5 are impleaded as per order
dated 21.02.2018 in WMP No.1326/2018) .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the
Constitution of India, praying for issuance of Writ of
Certiorarified Mandamus, calling for the records made in the
proceedings of the 1st respondent in Na.Ka.No.11774/2007/A1 dated
15.09.2010, quash the same and forbear the 1st respondent from
appointing any Executive Officer or Fit Person or Manager to the

petitioner Temple without following the procedures under Act 22/1959.

For Petitioner : Mr.P.Solomon Francis
For Respondents: Mr.Maharaja
Spl. Govt. Pleader for R1 & R3
Mr.Sriram for
M/s.A.S.Kailasam & Associates for R2
Mr.R.Mahalingam for R4 & R5

W.P.No.29668/2011:

A/M.SUNDARARAJA PERUMAL AND
THATHEESWAR DEVASTHANAMS REP.BY T.C.RAJAN(Deceased)
HERIDITARY TRUSTEE THIRUMANAM VILLAGE
POONAMALLEE DIVISION ,CHENNAI-600 072.

1.V.Padmini

2.T.G.Yuvakumar

3.T.R.Thulasingham

4.D.Durga Lakshmi

5.T.G.Amarnath

(The legal heirs of T.G.Rajan are impleaded
as P1 to P5 as per order dated 21.02.2018 in
WMP No.4461/2018)

.. Petitioner

versus

1. The Commissioner,
Hindu Religious & Charitable Endowment
Department, Chennai-34.

2. The Joint Commissioner,
Hindu Religious & Charitable Endowment
Department, Vellore-9.

3.M.R.Murali

4.M.R.Ramanan

[R3-4 are impleaded as per order in
WMPNo.1325/2018 dated 20.02.2018]

.. Respondents

Prayer: This Writ Petition is filed under under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to quash the proceedings of 2nd Respondent dated 07.10.2011 in Na.Ka.No.5001/2011/E1 by calling for records of the above said proceedings and quash the same and consequently forbear the Respondents from holding any Enquiry with regard to Renting of premises at No.126, N.S.C.Bose Road, Chennai, to Joseph in view of the orders of the 2nd Respondent him in Se.Mu.Nada.Na.Ka.No.7681/2007/E1 dated 02.02.2009.

For Petitioner : Mr.P.Solomon Francis

For Respondents: Mr.M.Maharaja,

Spl. Govt. Pleader for R1 & R2
Mr.R.Mahalingam for R3 & R4

COMMON ORDER

When these writ petitions are called for hearing, the learned counsel for the petitioners would submit that both the writ petitions can be disposed of by directing the third respondent to dispose of the representation dated 27.10.2015 seeking appointment of the second petitioner as Hereditary Trustee of the above said Temple .

2.The learned Special Government Pleader appearing for H. R. & C. E. Department would submit that the petitioner may be directed to submit an appropriate application seeking for such appointment under the provisions of H.R.&C.E. Act.

3. In view of the above submission made by the learned counsel for both the parties, this Court directs the petitioner to submit an appropriate application in terms of provisions of H.R.& C.E. Act to the third respondent seeking appointment of the second petitioner as Hereditary Trustee of the Temple, within a period of twelve weeks from the date of receipt of a copy of this order. On such application being made, the third respondent is directed to dispose of the same on merits and in accordance with law, within a period of eight weeks thereafter.

4. In view of the orders passed as above, nothing survives for consideration in both the writ petitions and therefore, the same are disposed of. No costs.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

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To

1. The Commissioner,
Hindu Religious & Charitable
Endowment Board,
Chennai-600 034.

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2. The Executive Officer,
Arulmighu Thirumazhisai Alwar @
Jegannatha Perumal Thirukoil,
Thirumazhisai,
Thiruvallur District.

3. The Joint Commissioner,
Hindu Religious & Charitable
Endowment Board,
Vellore-9.

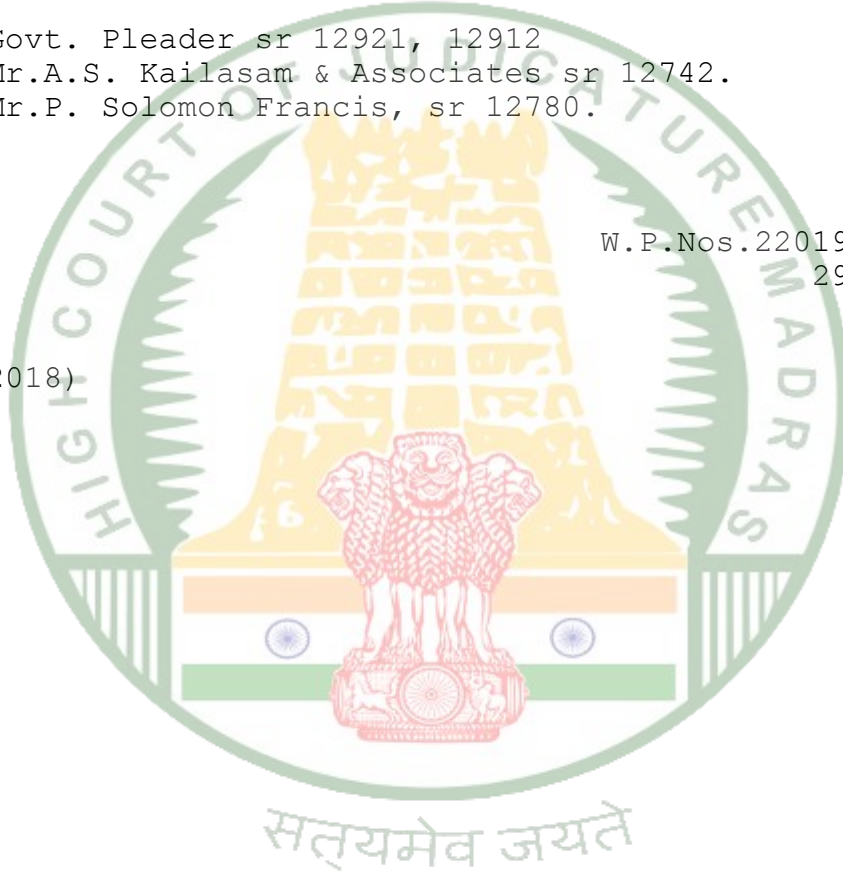
+1 CC to Govt. Pleader sr 12921, 12912

+1 CC to Mr.A.S. Kailasam & Associates sr 12742.

+1 CC to Mr.P. Solomon Francis, sr 12780.

W.P.Nos.22019 of 2010 &
29668 of 2011

SJ(CO)
SP(05/04/2018)



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