

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.31331 of 2013 &
M.P.No.1 of 2013

Peri.Me.Pa.Palaniappa Chettiar,
S/o.Subramanian,
Hereditary Trustee,
A/m Illamaiyakiyar Thirukoil,
Chidambaram,
Residing at No.2, Periya Hajiya Street,
Chidambaram - 608 001.
Cuddalore District.

.. Petitioner

Vs.

- 1.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Villupuram.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Cuddalore.
- 3.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Chidambaram, Cuddalore District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in his proceedings Se.Mu.Na.Ka.No.6515/2013/E2/dated 06.11.2013 and quash the same and further forbear the first respondent from appointing third party fit person to the Arulmighu Ilimaiyakaiyar Thirukoil, Chidambaram Town, Cuddalore District, without considering the claim of next person in the line of succession of petitioner's family viz., Peri.Me.Pa.family of Karaikudi.

For Petitioner : Mr.S.Sounthar
For Respondents : Mr.M.Maharaja
Special Government Pleader
(HR & CE)

O R D E R

This Writ Petition has been filed challenging the appointment of fit person to the Arulmighu Ilimaiyakaiyar Thirukoil, Chidambaram Town in Cuddalore District.

2. Heard Mr.S.Sounthar, learned counsel for the petitioner; Mr.M.Maharaja, learned Special Government Pleader (HR & CE) for the respondents and perused the records.

3. The case of the petitioner is that he is a hereditary Trustee of Arulmighu Ilimaiyakaiyar Thirukoil in Chidambaram and the Trusteeship was declared in O.A.No.482 of 1937 by the Board of Commissioner of Hindu Religious Endowment Board, dated 17.03.1938. Hence, the respondent has no authority to appoint a fit person to the Temple.

4. The learned Special Government Pleader submitted that this Court in M.P.No.1 of 2013 dated 20.11.2013 granted interim stay in respect of appointment of a fit person. So, taking advantage of the order, the petitioner is still functioning as a hereditary Trustee of the Temple, despite the fact that there are serious charges have been levelled against the petitioner and the proceedings initiated against the petitioner are also stalled.

5. In the light of the above submissions, the Writ Petition is disposed of, directing the first respondent to complete the enquiry initiated against the petitioner within a period of two months from the date of receipt of a copy of this order. Till then, the petitioner is permitted to continue as a hereditary Trustee. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

r n s

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Villupuram.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Cuddalore.

3.The Inspector,
Hindu Religious and Charitable Endowments Department,
Chidambaram, Cuddalore District.

+ 1 cc to Mr.S. Sounthar, Advocate Sr.15214
+ 1 cc to Government Pleader Sr.15476

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M.P.No.1 of 2013

KJ(CO)
EU(19/03/2018)



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