

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

and

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

Writ Petition No.25169 of 2009

K.V. Kuppusamy .. Petitioner

Versus

1. State of Tamil Nadu
represented by its Secretary
Tamil Development Culture, Religious,
Endowments and Information Department
Fort St. George, Chennai - 600 009
2. The Commissioner
Hindu Religious and Charitable Endowment
Department
Nungambakkam High Road
Nungambakkam, Chennai - 600 034
3. The Joint Commissioner
Hindu Religious and Charitable Endowment
Vellore District, Vellore
4. Arulmighu Kothandaramar Temple
represented by its Executive Officer
Maduranthakam
Kancheepuram District

5. S.D. Premchand .. Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for issuing a Writ of Quo Warranto as to under what authority the fifth respondent holds the office of Trustee in respect of the fourth respondent temple by the second respondent.

For Petitioner	:	Mr. S.R. Rajagopal
For Respondents	:	Mr. M. Maharaja Special Government Pleader for RR1 to 4 Mr. T.V. Lakshmanan for R5

ORDER
(Order of the Court was made by R. Subbiah, J)

The petitioner has come forward with this writ petition seeking to issue a Quo Warranto and to ascertain as to under what authority the fifth respondent is holding the office of Trustee in respect of the fourth respondent temple.

2. The grievance of the petitioner appears to be that the fifth respondent belongs to Jainism and therefore, the second respondent ought not to have appointed him as a Trustee in the fourth respondent temple, which is a Hindu Public Religious Institution coming under the administrative and supervisory control of the Tamil Nadu Hindu Religious and Charitable Endowments Administration Department as governed by the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

3. When the writ petition is taken up for hearing today, the learned Special Government Pleader appearing for the respondents 1 to 4, by placing reliance on the counter affidavit of the second respondent, would submit that the tenure of the fifth respondent as a Trustee of the fourth respondent came to an end on 14.09.2011 and therefore, nothing survives for adjudication in this writ petition.

4. In the light of the above submission of the learned Special Government Pleader appearing for the respondents 1 to 4 that the tenure of the fifth respondent, as a Trustee of the Fourth Respondent Temple, came to an end on 14.09.2011 itself, the relief sought for in this writ petition no longer survives for consideration by this Court.

5. Accordingly, the writ petition is dismissed as infructuous. No costs. Consequently, connected MP No. 1 of 2009 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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represented by its Secretary
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+1 CC to Mr. S.R. Rajagopal, Advocate Sr.No.5440

WP No. 25169 of 2009

RJI (CO)
KP (13/04/2018)

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