

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24152 of 2007

1.R.Cee.Krishnan

2.S.Prakasam

3.L.S.Subramaniam

... Petitioner

Vs.

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

2.The Executive Officer,
A/m.Ekambareswarar Temple,
Kancheepuram Town & District.

...

Respondents

Prayer:

Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the entire records of the first respondent herein, the Commissioner, Hindu Religious & Charitable Endowment Department, Chennai issued in his proceedings Na.Ka.No.12510/2007/L.5 dated 12.06.2007 in appointing the 2nd respondent herein as Executive Officer of A/m.Nagareswarar temple, situated in Karukkinil Amarnthavan Koil Street, Kancheepuram and to quash the same.

For Petitioners : Mr.C.V.Vijayakumar

For Respondents : Mr.B.Maharaja,
Special Government Pleader
for HR&CE

Mr.P.V.Arul Phazam Nee for R2

O R D E R

The petitioners have filed the writ petition challenging the impugned order dated 12.06.2007, passed by the first respondent rejecting the representation of the

petitioners to cancel the appointment of the second respondent as Executive Officer in A/m.Nagareswarar Temple, situated in Karukkinil Amarnthavan Koil Street, Kancheepuram, under Section 45(1) of the Hindu Religious and Charitable Endowment Act.

2.The case of the petitioners is that they were Community Trustees in Arulmigu Nagareswarar Temple in Karukkinil Amarnthavan Temple Street, Kancheepuram Town. Since there was some dispute in the affairs of the temple, in the year 2000, a petition in O.A.No.10 of 2000 was filed before the Joint Commissioner HR & CE (Administration) Department, Vellore for framing a scheme for administration and management of the temple under Section 64(1) of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959. Thereafter, a Scheme was framed and the same was published. While so, by order dated 14.10.2003 the first respondent has appointed the second respondent, who is non-hereditary trustee, as Executive Officer for managing the affairs of the said Temple, for a particular time. But, even after expiry of his tenure, the 1st respondent has not allowed the petitioners to conduct the election for selection of Non-hereditary Trustees as Executive Officer. Hence, the petitioners have come forward with the present writ petition for the relief as stated supra.

3.Today, when the matter is taken up, the learned counsel for the petitioner made an endorsement stating that they conducted the election as per the scheme and elected the Non-hereditary Trustees. However, they seek permission of this Court to permit the petitioners to file an application before Joint Commissioner of HR & CE, for approval of election.

4.Heard the learned counsel Special Government Pleader appearing for the 1st respondent and the learned counsel for the 2nd respondent also.

5.Considering the submission made by the learned counsel for the petitioners, though the Joint commissioner is not a party in this writ petition, in the interest of justice, the petitioner are permitted to file an application before the Joint Commissioner of HR&CE, Vellore, for approval of their election and on receipt of such application, Joint Commissioner of HR & CE, Vellore, shall pass appropriate orders, in accordance with law, within a period of three months thereafter, if the election conducted by the petitioners is in consonance with the clauses in the scheme.

6.With the above terms, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (Co)

//True Copy//

Sub Assistant Registrar

gmd
To

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

2.The Executive Officer,
A/m.Ekambareswarar Temple,
Kancheepuram Town & District.

3.The Joint commissioner,
HR&CE,
Vellore.

+1 CC TO GOVERNMENT PLEADER SR.NO. 52522

+1cc to Mr.P.V.Arul Phazam Nee , Advocate SR.No. 52193

+1cc to Mr. C.V.Vijayakumar, Advocate SR.No. 52638

W.P.No.24152 of 2007

ASK(28/09/2018)

सत्यमेव जयते
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