

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2018

CORAM

THE HON'BLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P.No.1963 of 2018

and

W.M.P.Nos.2474 & 2475 of 2018

C.Anusuya

... Petitioner

Vs.

1. The Commissioner,
HR & CE Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
(Additional Commissioner for
Educational & Charitable Institution
(enquiry) additional charge)
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
3. The Joint Commissioner,
HR&CE Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
4. The Assistant Commissioner,
HR&CE Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
5. The Fit Person/ Executive Officer,
A/m. Karneeswarar Thiru Koil,
Saidapet,
Chennai - 600 015.

... Respondents

This writ petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari to call for the records in Se.Mu.Na.Ka.No.55137/2010/A1 dated 22.01.2018 of the 1st respondent signed by the 2nd respondent on 23.01.2018 and quash the same.

For Petitioner : Mr.T.L.Ram Mohan
Senior counsel
for Ms.G.Sumitra

For Respondent : Mr.M.Maharaja,
Special Government Pleader
for R1 to R4

O R D E R

Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondents 1 to 4. By consent of the parties, the main writ petition is taken up for final disposal.

2. The petitioner is aggrieved against the order of the first respondent dated 22.01.2018 appointing a fit person to the Temple by name Arulmigu Kadumbadi Chinnamman Thirukoil, Saidapet, Chennai-600 015.

3. Heard both sides.

4. It is seen that in an election conducted on 19.08.2015 to elect the managing hereditary trustee of the said Temple, among all the hereditary trustees, the petitioner was elected as the managing hereditary trustee and such term of office has expired on 18.08.2017. Even before the expiry of such term, the petitioner has made a representation/ request on 17.04.2017 to the first respondent for conducting fresh election to the subsequent period commencing from 19.08.2017 to elect the managing hereditary trustee. The grievance of the petitioner is that when such representation was already made and the first respondent has also not taken any steps so far to conduct the election, appointing a fit person in the meantime to administer the temple by way of impugned order, is causing great prejudice to the interest of the Temple which is being administered by the hereditary trustees.

5. Learned senior counsel appearing for the petitioner submitted that even as on today, the petitioner is administering the Temple as the managing hereditary trustee even though her term of office has expired on 18.08.2017.

6. Mr.M.Maharaja, learned Special Government Pleader appearing for the 1st to 4th respondents submitted that though the impugned order was passed on 22.01.2018, the 5th respondent has not taken charge so far. However, he submitted that election will be conducted to elect the managing hereditary trustee within the time stipulated by this Court.

7. Considering the fact that the petitioner was already elected as a Managing Trustee and she has also made a request as early as on 17.04.2017 for conducting a fresh election to elect the new managing hereditary trustee for the period commencing from 19.08.2017 onwards, also by considering the fact that the petitioner is continuously discharging her function as managing hereditary trustee even after the period of the earlier term, in the interest of all the parties, this Court is of the view that the writ petition can be disposed of by passing the following order:

a) The respondents shall conduct election to the office of the managing hereditary trustee of the said Temple within a period of three weeks from the date of receipt of a copy of this order.

b) Till the election is conducted, status quo as on today shall be maintained by all the parties.

c) During this period, no alienation of the property belonging to the Temple, both movables and immovables, shall be made and proper accounts should be maintained with regard to the day today expenses in administering the Temple by the petitioner and such account shall be handed over by the petitioner to the person who gets selected in the fresh election.

d) The petitioner and other trustees shall cooperate with the respondent Department in conducting the election in a peaceful manner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

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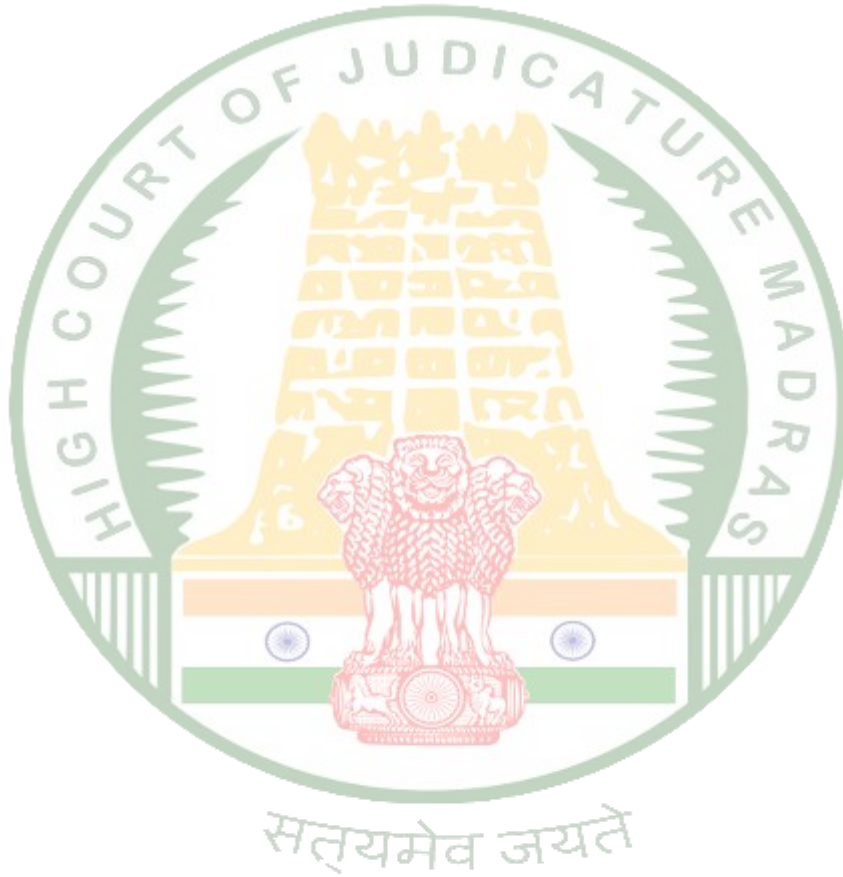
+1cc to Ms.G.Smitra, Advocate SR.No.7118/18

+1cc to Government Pleader SR.No.7694/18

VGII

sm:13.2.2018

W.P.No.1963 of 2018



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