

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. 19050 of 2009

Ms. B. Kanniga .. Petitioner

Versus

1. State of Tamil Nadu
represented by its Secretary
Department of Tamil Development Culture and Religious
Endowments and Information
Secretariat, Fort St. George
Chennai - 600 009
2. The Commissioner
Hindu Religious and Charitable Endowment
Department
Uttamar Gandhi Salai, Nungambakkam
Chennai - 600 034
3. The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Vellore District
Vellore
4. S.T. Premchand .. Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for issuing a Writ of Certiorari calling for the records of the second respondent in proceedings Na.Ka.No.41015/09/A1 dated 31.07.2009 passed on 04.08.2009, quash the same in so far as it relates to the appointment of the fourth respondent as a Trustee to the Arulmighu Kothandaramar Temple, Maduranthakam

For Petitioner : Mr. T.S. Vijayaraghavan

For Respondents : Mr. M. Maharaja
Special Government Pleader for RR1 to 3

Mr. T.V. Lakshmanan for R4

ORDER

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

The petitioner has come forward with this writ petition seeking to quash the proceedings dated 31.07.2009 of the second respondent in and by which the fourth respondent herein was appointed as a non-hereditary trustee of Arulmighu Kothandaramar Temple, Maduranthakam

2. The present writ petition has been filed by the petitioner mainly on the ground that the fourth respondent belonged to Jainism and he is not a Hindu, while so, the third respondent ought not to have appointed him as a Trustee of Arulmighu Kothandaramar Temple, Maduranthakam, 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. The learned Special Government Pleader appearing for the respondents 1 to 3 submits that the tenure of the Fourth Respondent as a Trustee of the Arulmighu Kothandaramar Temple, Maduranthakam has come to an end on 14.09.2011 during the pendency of the Writ Petition and hence it would not be necessary to examine the validity of the appointment of the Fourth Respondent at this stage. However, learned counsel for the petitioner submits that though the tenure of the Fourth Respondent as a Trustee of the Arulmighu Kothandaramar Temple, Maduranthakam has lapsed on 14.09.2011, his appointment requires to be examined as there is every likelihood of the First to Third Respondents continuing to adopt the practice of appointing persons belonging to Jainism as Trustees of Hindu Temples. The learned Special Government Pleader submits in this regard a copy of the proceedings passed by the Government in G.O. Ms. No.344, Tamil Development, Culture and Religious Endowments and Information Department dated 27.06.2009, in which, the appointment of one Mr. I. Bakthavarbal Jain, who belongs to Jainism, as one among five Trustees of Sri Ramanatha Swamy Temple, Rameswaram, Ramanathapuram District has been revoked on the ground that he was not qualified to hold the post as he was not Hindu and that following the same principle, persons belonging to Jainism would not be appointed as Trustees of Hindu Temples throughout the State unless such persons have already been converted to Hinduism at the time of their appointment.

4. We have heard the learned counsel on either side and perused the materials placed on record. In the light of the order passed by the Government in G.O. Ms. No.344, Tamil Development, Culture and Religious Endowments and Information Department dated 27.06.2009, which would be applicable to all the temples throughout the State and the fact that the tenure of the fourth respondent as a non-hereditary trustee came to an end even on 14.09.2011 itself, we are of the view that no further orders are necessary in this writ petition.. Accordingly, we dispose the writ petition. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary, state of Tamil Nadu
Tamil Development Culture, Religious,
Endowments and Information Department, Secretariat,
Fort St. George
Chennai - 600 009.
2. The Commissioner
Hindu Religious and Charitable Endowment
Department
Uttamar Gandhi Salai,
Nungambakkam
Chennai - 600 034
3. The Joint Commissioner
Hindu Religious and Charitable Endowment
Vellore District
Vellore

+1cc to Mr.T.S. VIJAYARAGHAVAN, Advocate, S.R.No. 5439

WP No. 19050 of 2009

SV(CO)
TR(12/04/2018)