

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.11.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.28920 of 2018
and WMP Nos.33798, 33803 and 33807 of 2018

Sornavalli

.. Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department,
Mayiladuthurai 609 002,
Nagapattinam District.
2. The Inspector,
Hindu Religious and Charitable Endowment
Department,
Mayiladuthurai (South)
Nagapattinam District.
3. The Executive Officer,
A/M Presanna Mariamman Koil,
Mayiladuthurai,
Nagapattinam District.
4. Sarasu,
W/o. Late Raji,
Hereditary Trustee,
A/M Ramar Madam @ A/M Semboneeswarar
Thirukoil, Koorainadu,
Mayiladuthurai,
Nagapattinam District.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records of 1st respondent in his Proceedings Se.Mu.Na.ka.No.2857/2018-2/Aa1/dated 25.09.2018 and quash the same and further direct the 1st respondent to register petitioner as hereditary trustee of A/M Ramar Madam @ A/M Semponneeswarer Thirukoil, Koorainadu, Mayiladuthurai during temporary vacancy

in hereditary trusteeship due to suspension of 4th respondent.

For Petitioner	: Mr.S. Sounthar
For Respondents	: Mr.M.Maharaja,
1 to 3	Special Govt. Pleader (HR & CE)

O R D E R

The petitioner has challenged the appointment of the 3rd respondent as a fit person in the place of her mother, who was the hereditary trustee and facing the charges of not keeping the accounts and other official records properly and other complaints.

2. The contention of the petitioner is that the 4th respondent/mother of the petitioner, before her suspension, was the erstwhile hereditary trustee and of the temple and the petitioner, being the daughter, is next entitled for Hereditary Trusteeship as per Section 54(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, (the Act). However, it is stated that the 1st respondent has already appointed the Executive Officer of Arulmigu Semboneeswarer Thirukoil, Koorainadu, Mayiladuthurai.

3. If the petitioner is aggrieved over the said order, it is open to her to file a statutory appeal under the Act. The petitioner cannot come before this Court under Article 226 of the Constitution of India.

4. Since it is submitted that consequent to the order of suspension, enquiry is initiated, the respondent is directed to expedite the said proceedings and complete the same as expeditiously as possible.

5. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jv
To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department,
Mayiladuthurai 609 002,
Nagapattinam District.

2. The Inspector,
Hindu Religious and Charitable Endowment
Department,
Mayiladuthurai (South)
Nagapattinam District.

3. The Executive Officer,
A/M Presanna Mariamman Koil,
Mayiladuthurai, Nagapattinam District.

+1cc to Mr.S.Sounthar, Advocate, S.R.No.79815

+1cc to the Spl Government Pleader, S.R.No.80111

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VD(CO)
GSP(13/12/2018)



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