

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.08.2019
CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
W.P.Nos.22038 and 22039 of 2007
and
M.P.Nos.1, 1 & 2 of 2007

K.Jegannathan

..Petitioner
in both W.Ps

Vs

- 1.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam, Chennai- 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Thanjavur.
- 3.The Executive Officer,
Arulmighu Thangamuthu Mariamman Temple,
Tiruvarur.

.. Respondents
in both W.Ps

Payer in W.P.No.22038 of 2007 : Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorari, to call for the records of the 2nd respondent in Na.Ka.No.4501/2005/2/A3 dated 6.6.2007 relating to the appointment of the 3rd respondent herein as fit person of Arulmighu Thangamuthu Mariamman Temple, Vijayapuram, Tiruvarur and quash the same.

Payer in W.P.No.22039 of 2007 : Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorari, to call for the records of the 2nd respondent in Na.Ka.No.4501/2005/1/A3 dated 6.6.2007 passed on 13.6.2007 and quash the same.

For Petitioner : Mr.G.Jeremiah
(in both W.Ps)

For Respondents : Mr.M.Maharaja
Special Government Pleader for HR & CE
(in both W.Ps)

C O M M O N O R D E R

Heard Mr.G.Jeremiah, learned counsel for the petitioner, Mr.M.Maharaja, learned Special Government Pleader for the respondents and perused the materials available on record.

2. These writ petitions have been filed challenging the appointment of a fit person to the Arulmighu Thangamuthu Mariamman Temple, Vijayapuram, Tiruvarur and the order suspending the petitioner under Section 53 (2) and (3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act.

3. According to the petitioner, he is a hereditary trustee of Arulmighu Thangamuthu Mariamman Temple, Vijayapuram, Tiruvarur and is administrating the day today affairs of the said temple and his ancestors have also administrated the temple herein. Petitioner would allege that he was not given sufficient time to give his explanation for the charge memo and even before suspending the petitioner a fit person was appointed against the provisions of law.

4. The second respondent passed an order of suspension, suspending the petitioner from the hereditary ship on the allegation that the petitioner sold the properties belonging to the temple and executed a sale deed as if it was his own property. Further, the accounts of the temple was not properly maintained and the said sales also misappropriated by the petitioner. For the show cause notice issued by the second respondent, the petitioner submitted his reply on 31.5.2007, however, during the pendency of the enquiry, these writ petitions have been filed.

5. Mr.G.Jeremiah, learned counsel for the petitioner, by placing reliance on the decisions of this Court in W.A.No.121 of 1965, dated 26.10.1965, reported in 1966(1) MLJ 288 and in W.P (MD).Nos.10126 & 10888 of 2016, dated 12.12.2016, reported in 2017-1-LW 621 would argue that before appointing a fit person under Section 53(4) of the said Act, the family members of the hereditary trustees should have been considered and a fit person can not be appointed for indefinite period.

6. Per contra, Mr.M.Maharaja, learned Special Government Pleader appearing for the respondents by referring the counter affidavit filed by the second respondent would contend that the allegations against the petitioner are serious in nature. Though the proceedings were initiated in the year 2007, in view of the interim order passed in the present writ petition, the petitioner is holding office as on date and the second respondent is ready to complete the enquiry within a period of two months.

7.It is not in dispute that the petitioner was appointed as hereditary trustee of the temple and for the alleged maladministration of the temple, proceedings were initiated against him and a fit person was also appointed for the temple.

8. Taking note of the above facts that these writ petitions are pending for more than ten years and the petitioner is still in the administration of the temple, this Court, directs the second respondent to conclude the enquiry within a period of two months, after providing an ample opportunity to all necessary parties. Till then, status quo as on date shall be maintained. It is needless to mention that if the charges levelled against the petitioner are proved, the authorities shall take immediate action against him in accordance with law.

9. With the above direction and observation, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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Thanjavur.
- 3.The Executive Officer,
Arulmighu Thangamuthu Mariamman Temple,
Tiruvarur.

+lcc Mr.G.Jeremiah, Advocate sr.67287

+lcc to Government Pleader sr.67709

W.P.Nos.22038 and 22039 of 2007
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vgi(co)
nr 14/10/2019