

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.32299 of 2007
and
M.P.No.1 of 2007

P.Chakrapani

..Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Nungambakkam, High Road, Chennai -34.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Villupuram.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Cuddalore.
4. The Executive Officer/Fit Person,
Arulmigu Boovarahasamy Temple,
Sri Mushnam, Kattumannarkudi Taluk,
Cuddalore District.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent herein, the Commissioner, HR & CE, Chennai, issued in R.P.No.3/2007 D2, dated 10.9.2007 and the same communicated on 26.9.2007 and to quash the same as illegal.

For Petitioner : Mr.D.Ravichander

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

O R D E R

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

2.This writ petition has been filed challenging the appointment of a fit person to Arulmigu Ayyanar, Nondiveeran and Pidariamman temple, Kattukoodalur, Panruti Taluk, Cuddalore District.

3. According to the petitioner, the Joint Commissioner, HR & CE Department, Mayavaram, appointed him as a hereditary trustee to the said temple. However, the order of appointment was set aside by the first respondent and the matter was remanded back to the Joint Commissioner, Villupuram for fresh consideration. During the interregnum, the third respondent appointed a fit person for administration of the temple.

4. It seems that the appointment of fit person dated 19.1.2007 made by the Assistant Commissioner, HR & CE Department, Cuddalore has been confirmed by the Commissioner, HR & CE Department, Chennai on 10.09.2007.

5. The learned counsel for the petitioner would submit that the appointment of a fit person is now sub judice in Appeal Suit in A.S.No.549 of 2018 before this Court and hence, the appointment of a fit person is liable to be set aside.

6. Per contra, the learned Special Government Pleader appearing for the respondents would submit that the Joint Commissioner, HR & CE Department has rejected the application of the petitioner, which was challenged by the petitioner in O.S.No.113 of 2011 before the Sub Court, Panruti and the same was dismissed on 07.04.2018. Questioning the judgment of the trial Court, the petitioner preferred an appeal before this Court in A.S.No.549 of 2018. According to the learned Special Government Pleader, the temple is now being administrated by the fit person.

7. In the case on hand, it is seen that the petitioner filed an application in the year 1993 for appointing him as a hereditary trustee for the temple. The authorities under the Act have rejected the claim of the petitioner and the issue is now pending before this Court in A.S.No.549 of 2018. Therefore, unless the petitioner establishes his right, he has no locus standi to assail the order of appointment of fit person. However, the appointment of the fit person is subject to the result of the Appeal Suit in A.S.No.549 of 2018. In the event of the petitioner succeeds in the appeal, he is at liberty to make

fresh representation to the concern authorities.

8. With the above observation, this writ petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ms

To

1. The Commissioner,
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Sri Mushnam, Kattumannarkudi Taluk,
Cuddalore District.

+1cc to Mr.D.Ravichander, Advocate, S.R.No.71436

+1cc to the Special Government Pleader, S.R.No.71603

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CS/09/10/2019