

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.07.2019
CORAM
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU
WP. No. 2217 of 2019
and
WMP.No. 2468 of 2019

M.Gopalakrishnan

..Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep.by its Secretary
Tamil Nadu Development &
Hindu Religious & Charitable Endowment Department,
Fort St.George, Chennai 600 009.
- 2.The Commissioner
Hindu Religious & Charitable Endowment
Nungambakkam, Chennai 600 039.
- 3.The Joint Commissioner
Hindu Religious & Charitable Endowment
Sivagangai, Sivagangai District.
- 4.The Executive Officer
Arulmigu Adaikalam Katha Ayyanar
and Padrakali Amman Temple
Madapuram, Thiruppuvaram Taluk & Post
Sivagangai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First Respondent to conduct the election for electing Trustees belonging to Mukkanda Nadar Community of Madapuram Village to the Arulmigu Adaikalam Katha Ayyanar and Padrakali Amman Temple, Madapuram in exercise of the powers under Section 47(1) of the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959 (Act 22 of 1959) by implementing Rule 3 of the Scheme Decree passed in O.A.No.12 of 1978.

For Petitioner : Mr. A.Suresh

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

O R D E R

The Writ Petition has been filed to direct the First Respondent to conduct election for electing Trustees belonging to Mukkanda Nadar Community of Madapuram Village to the Arulmigu Adaikalam Katha Ayyanar and Padrakali Amman Temple, Madapuram in exercise of powers under Section 47(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, by implementing Rule 3 of the Scheme Decree passed in O.A. No. 12 of 1978.

2. The Second Respondent has filed Counter Affidavit pointing out that in terms of the scheme framed in O.A. No. 12 of 1978 under Section 64(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, it has been provided as follows:-

"The above mentioned institutions and its properties shall be administered by the five trustees appointed either elected or selected from out of the Mukkanda Nadar Community residing at Madapluram village. The trustees shall within one month from the date of their appointment elect one among themselves as Chairman Board of Trustees who will hold office for a period of three years."

It is pointed out by the Learned Special Government Pleader appearing for the Respondents that the appointment of the Trustees could be made either by way of selection or election and that appointments from the time when the Scheme Decree come into force has been made only on the basis of selection and the Petitioner now cannot have any grievance in this regard.

3. In view of the same, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to the Petitioner to work out his remedy by instituting appropriate legal proceedings for amending the aforesaid Scheme Decree before the proper forum for providing for appointment by way of election alone. He has also made an endorsement to that effect, which is recorded.

4. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

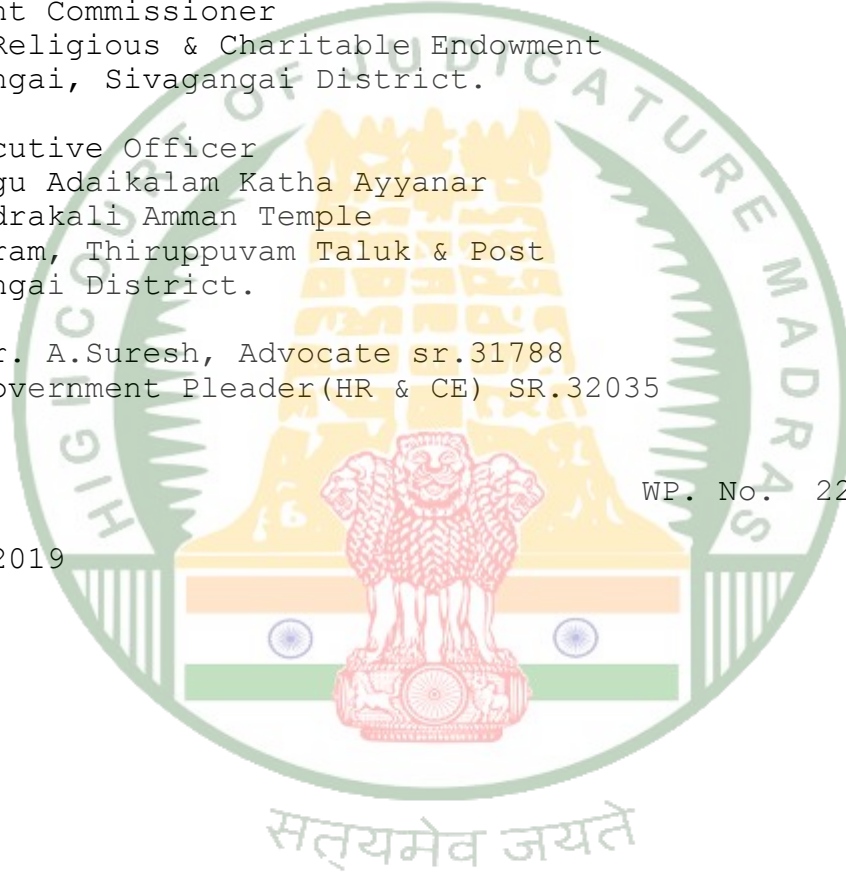
To

- 1.The Secretary
Tamil Nadu Development &
Hindu Religious & Charitable Endowment Department,
Fort St.George, Chennai 600 009.
- 2.The Commissioner
Hindu Religious & Charitable Endowment
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Arulmigu Adaikalam Katha Ayyanar
and Padrakali Amman Temple
Madapuram, Thiruppuvum Taluk & Post
Sivagangai District.

+1cc to Mr. A.Suresh, Advocate sr.31788
+1cc to Government Pleader(HR & CE) SR.32035

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NR 27/08/2019



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