

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.12.2019

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.16297 of 2018 and

W.MP.No.19408 of 2018

G.Subramanian

... Petitioner

Vs

1. The Commissioner,  
Hindu Religious & Charitable  
Endowment Department,  
Nungambakkam, Chennai 600 034.

2. The Joint Commissioner,  
Hindu Religious & Charitable  
Endowment Department,  
Nungambakkam, Chennai 600 034.

3.The Assistant Commissioner,  
Hindu Religious & Charitable  
Endowment Department,  
Coimbatore.

4.The Executive Officer,  
Arulmigu Aranganathar Swamy Temple,  
Karamadai, Mettupalayam Taluk,  
Coimbatore District.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari or any other appropriate Writ or Order or Direction in the nature of Writ, calling for records relating to the proceedings of the 2nd respondent in Se.Mu.Na.Ka.No.6370/2018/A3 dated 14.06.2018, quash the same.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.M.Maharaj,  
Special Government Pleader  
for RR1 to 4.

ORDER

1.This writ petition has been been filed by the petitioner, praying for issuance of a Writ of Certiorari to call for records relating to the proceedings of the 2nd respondent in Se.Mu.Na.Ka.No.6370/2018/A3 dated 14.06.2018, quash the same.

2.By the impugned proceedings, dated 14.06.2018, the 2<sup>nd</sup> respondent has appointed 4<sup>th</sup> respondent as Fit Person of Arulmigu Aranganathar Swamy Temple, Karamadai, Mettupalaym Taluk, Coimbatore District. According to the petitioner, he was already appointed as Executive Trustee vide proceedings of the Deputy Commission, dated 02.09.1991. Hence, aggrieved by the appointment of the 4<sup>th</sup> respondent as Fit Person, the petitioner preferred an appeal to the first respondent on 22.6.2018. However, since there was no action, the petitioner has come forward with the present Writ Petition.

3.Questioning the appointment of the 4<sup>th</sup> respondent as Fit Person of the temple, the petitioner filed a representation, which is not in the proper format as desired by the second respondent. The petitioner ought to have filed an appeal under Section 21 of the HR & CE Act. Therefore, since the appeal has not been filed properly, consequently the respondents have not taken any action on the same, against which, the present writ Petition has been filed. A Writ of Certiorari, cannot be issued since already a Fit person has been appointed and it is only appropriate for the petitioner or any other person interested in the temple to agitate the same by filing an appeal under Section 21 of HR & CE before the appropriate authority. It appears that the petitioner is interested in questioning the order of appointment of fit person and hence, it is for him to prefer an appeal under Section 21 of HR & CE Act. Therefore, it is advisable to the petitioner to prefer such appeal on or before 31.01.2020 before the first respondent and if any such appeal is filed, after following the due process, the first respondent Commissioner is directed to consider the same and pass appropriate orders in accordance with law preferably on or before 31.03.2020.

4.With the above observation this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

jrs

To

1.The Commissioner,  
Hindu Religious & Charitable  
Endowment Department,  
Nungambakkam, Chennai 600 034.

2.The Joint Commissioner,  
Hindu Religious & Charitable  
Endowment Department,  
Nungambakkam, Chennai 600 034.

3.The Assistant Commissioner,  
Hindu Religious & Charitable  
Endowment Department,  
Coimbatore.

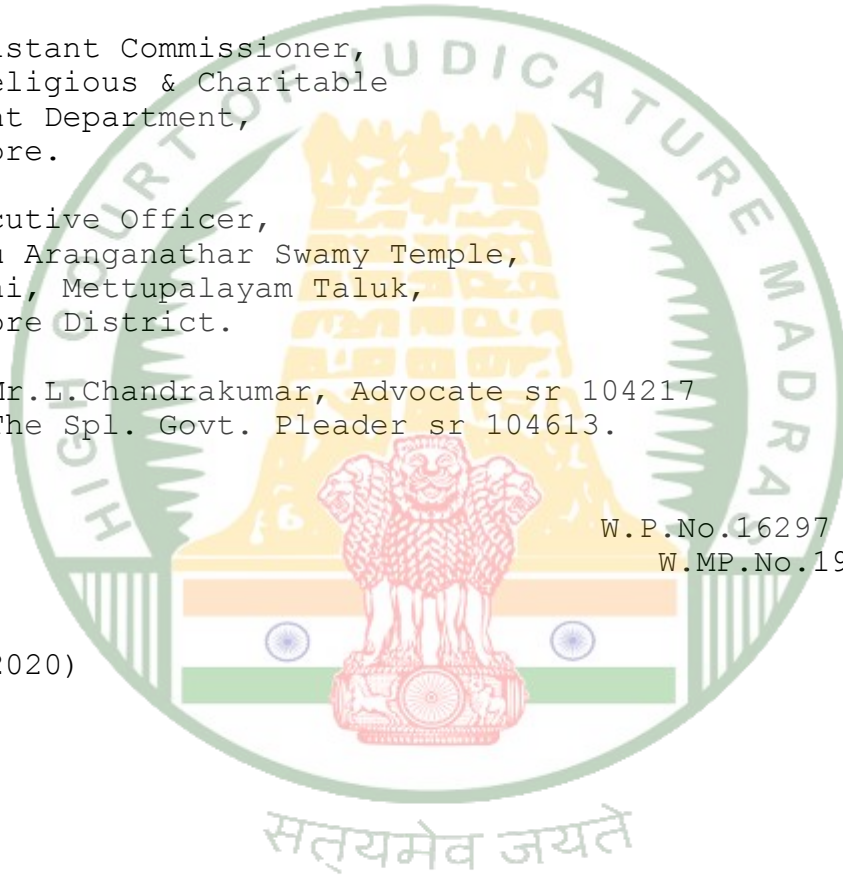
4.The Executive Officer,  
Arulmigu Aranganathar Swamy Temple,  
Karamadai, Mettupalayam Taluk,  
Coimbatore District.

+1 CC to Mr.L.Chandrakumar, Advocate sr 104217

+1 CC to The Spl. Govt. Pleader sr 104613.

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BS(CO)  
SP(24/01/2020)



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