

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.10.2019

CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 27894 of 2019
and
W.M.P. Nos. 27464, 27466 and 27467 of 2019

K. Gopinath ... Petitioner

-vs-

1. The Commissioner,
HR & CE, Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
HR & CE, Fort Mariamman Temple,
Fort, Salem - 6.
3. The Assistant Commissioner,
HR & CE, Dharmapuri.
4. Thakkar/Executive Officer,
Arulmigu Kaligambal Kamateeswarar Temple,
Hosur Town, Krishnagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the Third Respondent dated 11.03.2019 in Se. Mu. Na. Ka. No. 254/2015/A3 appointing the Fourth Respondent as Thakkar to Arulmighu Kottai Mariamman Temple, Hosur Town, Krishnagiri District and quash the same.

For Petitioner : Mr. Silambanan, Senior Counsel
for Mr. J. Bharathiraja

For Respondents: Mr. M. Maharaja,
Special Government Pleader

O R D E R

Heard Mr. Silambanan, Learned Senior Counsel appearing for the Petitioner and Mr. M. Maharaja, Learned Special Government Pleader appearing on behalf of the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the order Se. Mu. Na. Ka. No. 254/2015/A3 dated 11.03.2019 appointing the

Fourth Respondent as Fit Person to the Arulmighu Kottai Mariamman Temple, Hosur Town, Krishnagiri District.

3. Learned Senior Counsel appearing for the Petitioner contended that the main grievance of the Petitioner in the Writ Petition is that the Petitioner has made an application for Hereditary Trusteeship under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as the 'Act' for short), which still pending, and without disposing the same, the appointment of the Fourth Respondent as Fit Person under Section 49(1) of the Act has been hurriedly made, which prejudicially affects the rights of the Petitioner. However, it is agreed by the Learned Senior Counsel that if the application of the Petitioner for appointment of Hereditary Trustee is expeditiously considered, and orders are passed thereon, the Petitioner would not pursue this Writ Petition, reserving the right to challenge the continuance of appointment of the Fit Person to the Temple depending upon the outcome of the application made by the Petitioner under Section 63 (b) of the Act or if the same is not disposed within the specified time frame.

4. Learned Special Government Pleader appearing for the Respondents, on instructions, states that the application of the Petitioner for Hereditary Trusteeship under Section 63(b) of the Act would be disposed on or before 31.01.2020 and has filed a memo to that effect, which is placed on record.

5. Having regard to the aforesaid submissions made by the Learned Counsel appearing for the parties, the Respondents shall dispose the application made by the Petitioner for appointment of the Hereditary Trustee under Section 63(b) of the Act by 31.01.2020, and if the Second Respondent fails to dispose the same within that time limit or in the event of the Petitioner is aggrieved by any adverse order passed in that proceeding, it is open to the Petitioner to challenge the continuance of the Fit Person for the Temple in necessary proceedings before the proper forum in accordance with law.

6. Accordingly, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.
vjt/maya

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
HR & CE,
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2. The Joint Commissioner,
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Fort,
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Arulmigu Kaligambal Kamateeswarar Temple,
Hosur Town,
Krishnagiri District.

+1 cc to Special Govt.Pleader (HR & CE) Vide Sr.No.89284

W.P. No. 27894 of 2019

Kak(01/11/2019)