



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.12.2019

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.34695 of 2019 and
W.M.P.Nos.35450 and 35452 of 2019

M.Sumathy

.. Petitioner

..Vs..

1. The Commissioner,
Hindu Religious Endowment Board,
Nungambakkam High Road,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious Endowment Board,
Coimbatore, Coimbatore - 641 018.
3. The Tahsildar,
Madukarai, Coimbatore.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 3rd respondents in their proceedings No.in Na.Ka.No.5238/2018/A2, dated 26.02.2019 and quash the same as illegal, unlawful and arbitrary and consequently direct the 3rd respondent to include the name of the petitioner surviving hereditary trustee to represent the Veeraswarasamy Koil, Othakkal Mandapam Village, Coimbatore District.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.M.Maharajan, (for R1 and R2)
Special Government Pleader
Mr.N.Inbanathan, (for R3)
Additional Government Pleader

O R D E R

This is a third occasion when the petitioner has to come to Court. She originally filed a writ petition in W.P.No.4641 of 2009. By an order dated 23.09.2011, the learned Single Judge of this Court had observed that she is a daughter of the hereditary trustee Sami Iyr and consequently recognised her status.



A second writ petition was then filed in W.P.No.28938 of 2019 wherein the learned Single Judge of this Court had observed as follows:

"5. Even according to the petitioner, she is the only sole surviving hereditary trustee of the Vigneswarasamy Temple and she wants her name to be included as a person representing the temple.

7. The petitioner cannot claim exclusive patta in her name. She can only ask for patta in the name of the temple as it is standing now and she can only be the representative of the temple as the sole surviving hereditary trustee.

8. In the light of the above facts, the 4th respondent is directed to consider the petitioner's representation and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and respondents 1 and 2 herein and also affording due opportunity of hearing to the petitioner, respondents 1 and 2 herein as well as any of the interested parties, within a period of six weeks from from the date of receipt of a copy of this order."

In the present writ petition, she is aggrieved by the order of the 3rd respondent dated 26.02.2019 in which, the 3rd respondent/Tahsildar had stated that the petitioner had not produced any document to show the ownership of the mentioned land. But it is stated that she has produced the legal heirship certificate and the death certificate of her father.

The only narrow scope available for the 3rd respondent is to recognise her as a hereditary trustee. The petitioner cannot deal with the properties of the temple. There are restrictions placed in the Act. Consequently, the said order which is dated 26.02.2019 has to be necessarily set aside and the following directions are issued:

- i. The petitioner and the respondents are permitted to join in enquiry once again to determine the hereditary trustee of Veereswarasamy Temple, Coimbatore District.
- ii. The narrow scope is to determine the hereditary trustee alone. Any order regarding the property, will have to be dealt with separately.
- iii. Consequently, the 3rd respondent is directed to pass afresh orders, determining the hereditary trustee of the temple land.
- iv. For this, opportunity may be granted to the petitioner and any other officials of the HR & CE Department may also be examined and appropriate orders shall be passed with reasons on or before 31.01.2020.



WEB COPY

3. With the above observation, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
Hindu Religious Endowment Board,
Nungambakkam High Road,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious Endowment Board,
Coimbatore, Coimbatore - 641 018.
3. The Tahsildar,
Madukarai, Coimbatore.
4. The Public Prosecutor,
Madras High Court,
Chennai.

+1 CC to Mr.S.Venkatesh, Advocate sr 104382.

+1 CC to The Govt. Pleader sr 104873.

W.P.No.34695 of 2019 &
W.M.P.Nos.35450 and 35452 of 2019

NRL(CO)
SP(20/12/2019)