



THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.4192 of 2019

WEB COPY

S.M.A.Pongandhimathinathan

... Petitioner

Vs

- 1.The Commissioner,
Department of Hindu Religious
and Charitable Endowment,
No.119, Nungampakkam Highways,
Chennai-34.
- 2.The Joint Commissioner,
Department of Hindu Religious,
and Charitable Endowment,
Near Palay Bus stand,
Thiruvananthapuram Road,
Palayamkottai,
Tirunelveli District.
- 3.Arulmigu Subramania Swamy Thirukovil,
represented by the Joint Commissioner,
Department of Hindu Religious
and Charitable Endowment,
Tiruchendur,
Thoothukudi District - 628 215.
- 4.The Inspector,
Department of Hindu Religious,
and Charitable Endowment,
Arulmigu Subramania Swamy Thirukovil,
Tiruchendur,
Thoothukudi District - 628 215.
- 5.The State of Tamil Nadu
represented by the Secretary to Government,
Department of Hindu Religious and
Charitable Endowment,
Fort St.George, Secretariat,
Chennai-9.

R5 impleaded vide Court
order dated 11.04.2019 made in
W.M.P. (MD) No.3863 of 2019

... Respondents

the applica
prescribed

For R3 : Mr.Muthu Geethaiyan

ORDER

Heard the learned counsel on either side.

2.As per Section 47(1)(a)(iii) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, in respect of the temples falling under Clause (iii) of Section 46, the Government shall constitute a board of non hereditary trustees. The Government had issued a circular dated 23.01.2019 directing the Joint Commissioner, to obtain applications from eligible and qualified persons for appointing as trustees in this regard. The petitioner herein has also given an application dated 07.02.2019 in this regard. The petitioner wants the said application to be considered. Therefore, this writ petition has been filed.

3. This Court directs the fourth respondent herein to submit a report on the petitioner's application to the second respondent herein, within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the second respondent shall forward the same to the Government through the first respondent. The Government namely the fifth respondent herein shall take a decision on the petitioner's application and pass appropriate orders after receipt of the report from the second respondent within a period of four months thereafter. It is needless to mention that the mandate set out in Section 26 of the Act will be borne in mind.

4. It is made clear that any other application that has already been received in respect of the subject temple, will also be considered along with the writ petitioner's application in accordance with law.

5. Accordingly, this writ petition is disposed of. No costs.
Sd/-
Assistant Registrar (A.E)

/TRUE COPY/



To

1.The Commissioner,
Department of Hindu Religious
and Charitable Endowment,
No.119, Nungampakkam Highways,
Chennai-34.

2.The Joint Commissioner,
Department of Hindu Religious,
and Charitable Endowment,
Near Palay Bus stand,
Thiruvananthapuram Road,
Palayamkottai,
Tirunelveli District.

3.The Inspector,
Department of Hindu Religious,
and Charitable Endowment,
Arulmigu Subramania Swamy Thirukovil,
Thiruchendur,
Thoothkudi District - 628 215.

4.The Secretary,
Department of Hindu Religious and
Charitable Endowment,
Fort St.George, Secretariat,
Chennai-9.

+1 CC to M/s.I.PINAYGASH, Advocate (SR-60576[F] dated 11/04/2019)

+1 CC to M/s.M.MUTHUGEETHAYAN, Advocate (SR-60571[F] dated
11/04/2019)

+1 CC to M/s.SPL GP (SR-60710[F] dated 12/04/2019)

W.P. (MD) No. 4192 of 2019

SP:06/05/2019/3P/8C