



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

W.P. (MD) .No.20871 of 2019

and

WMP(MD) .Nos. 17453 and 17459 of 2019

WEB COPY

R. Venkatachalam

: Petitioner

Vs.

1.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Tiruchirappalli.

2.The Fit Person / Executive Officer,
Arulmigu Naganathaswamy Thirukoil,
Nadi Koil Stree,
Thiruchirappalli.

: Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari, calling for the records in pursuant to the impugned order passed by the 1st respondent in his proceedings in Se.Mu.Na.Ka.No.562 / 2019/ Aa3, dated 13.09.2019 and to quash the same as illegal.

For Petitioner	:	Mr. M. Siddharthan
For Respondent No.1	:	Mr. VR. Shanmuganathan, Special Government Pleader
For Respondent No.2	:	Dr.C.Gunaseelarupan

O R D E R

The present Writ Petition has been filed challenging the order passed by the first respondent in his proceedings in Se.Mu.Na.Ka.No.562 / 2019/ Aa3, dated 13.09.2019.

2. I have heard the submissions made by the learned counsel appearing for the petitioner, Mr.VR.Shanmuganathan, learned Special Government Pleader, who takes notice for the first respondent and Dr.C. Gunaseelarupan, learned Standing Counsel, who takes notice for the second respondent.

3. Earlier, the petitioner challenged the order of appointment of Fit Person to the Arulmigu Naganathaswamy Thirukoil, Nandhi Koil Street, Tiruchirappalli and that order was set aside by this Court in W.P.(MD).No.4217 of 2019, dated 25.02.2019, directing the first respondent to give notice to the person concerned and thereafter, appoint the Fit Person.



4. It is pertinent to point out that earlier the first respondent appointed one Krishnan as non-hereditary trustee, but, he never took charge and has not made any objection for all these years to celebrate the functions in the temple and also not interfered in the administration of the temple. Furthermore, he has consented for appointment of a Fit Person, by letter dated 06.08.2019.

5. The first respondent, in compliance with the directions issued by this Court in W.P.(MD).No.4217 of 2019, dated 25.02.2019, appointed a Fit Person to the Temple, by way of impugned proceedings dated 13.09.2019, that too, after issuing notice and affording sufficient opportunity to the parties concerned. The petitioner is a third party and he has nothing to do with the administration of the Temple. Only because he files a Writ Petition and claims himself that he is entitled to administer the Temple, his claim cannot be entertained without any authenticated documents. Mere printing of pamphlets will not amount to proof, but, that should have been recognized in the eyes of law.

6. Thus, I do not find any violation of principles of natural justice or irregularity in the order passed by the first respondent, which is impugned herein and the Writ Petition merits no consideration.

7. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Tiruchirappalli.

+2 CC to M/s.DR.C.GUHASEELARUPAN, Advocate SR-90063.
+1 CC to M/s.M.SIDDHARTHAN, Advocate SR-90331.

Order made in
W.P. (MD) .No.20871 of 2019

Dated:

27.09.2019

CS (05.11.2019) 2P 5C