

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.23661 of 2009

and

MP. Nos.2/2009, 1/2010, 1/2011 & 1/2014

M.P.K.Karuppannan

Hereditary Trustee (Dharmakartha)

Sri Sannasi Varatharaja Perumal Thirukoil,

Malliakkarai Village, Attur TK.,

Salem Dt.

.. Petitioner

Vs

1.Commissioner,

Hindu Religious and Charitable Endowments Dept.,

Chennai-34.

2.Assistant Commissioner,

Hindu Religious and Charitable Endowments Dept.,

Salem and Dt.

3.Fit Person (Thakkar)

Sri Sannasi Varatharaja Perumal Thirukoil,

Mallikkarai Village, Attur Taluk,

Salem Dt.

At Arulmigu Balasubramaniaswami

Thirukoil, Vadachennimalai

Attur Taluk, Salem District

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorari to call for the records pertaining to the order passed by the 1st respondent in his proceedings No. Ni. Mu. 70316/2008/E2 dt. 12.2.2009 and quash the same.

For Petitioner : Mr.C.Selvaraj, Senior Counsel  
for C.S.Associates

For Respondents: Mr.M.Karthikeyan (for R1 & R2)  
Special Government Pleader  
Mr.Ashok Kumar (for R3)

O R D E R

Heard Mr.Selvaraj, learned senior counsel appearing for M/s.C.S.Associates, learned counsel for the petitioner, Mr.M.Karthikeyan, learned Special Government Pleader for R1 and R2 and Mr.Ashok Kumar, learned counsel for R3/fit person, Sri Sannasi Varatharaja Perumal Thirukoil. Malliakkarai Village, Attur Taluk, Salem District.

2. Learned senior counsel on behalf of the learned counsel on record for the petitioner confirms that he does not pursue the challenge against the impugned order dated 12.02.2009, in terms of which the Temple in question has been listed at page 122 serial no.13 as a listed public temple in terms of the provisions of Section 63(a) of the Hindu Religious and Charitable Endowments Act, 1959 (in short 'Act') . He would only submit that the petitioner is interested only in pursuing his appointment as hereditary trustee in the Temple. He is in possession of a communication dated 16.12.2009 in terms of which R3 is stated to have informed the petitioner that his appointment as a hereditary trustee will be considered upon final disposal of this writ petition. A copy of this communication is not available on record and neither is learned counsel for R3 in possession of the same.

3. Be that as it may, in the light of the position that the challenge to the impugned order is not being pursued and in the light of the limited relief sought for by the petitioner, the petitioner is permitted to file an application under Section 63 (b) of the Act to the jurisdictional Joint/Deputy Commissioner (not arrayed as a party respondent in this Writ Petition) within a period of two (2) weeks from today seeking appointment as a hereditary trustee. Mr.Karthikeyan, learned Special Government Pleader will convey this order to the jurisdictional Joint/Deputy Commissioner. After hearing the petitioner and conduct of enquiry, orders will be passed within a period of six (6) weeks from date of filing of application.

4. With the above direction, this Writ Petition is dismissed. No costs. Connected Miscellaneous Petitions are also closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.Commissioner,  
Hindu Religious and Charitable Endowments Dept.,  
Chennai-34.

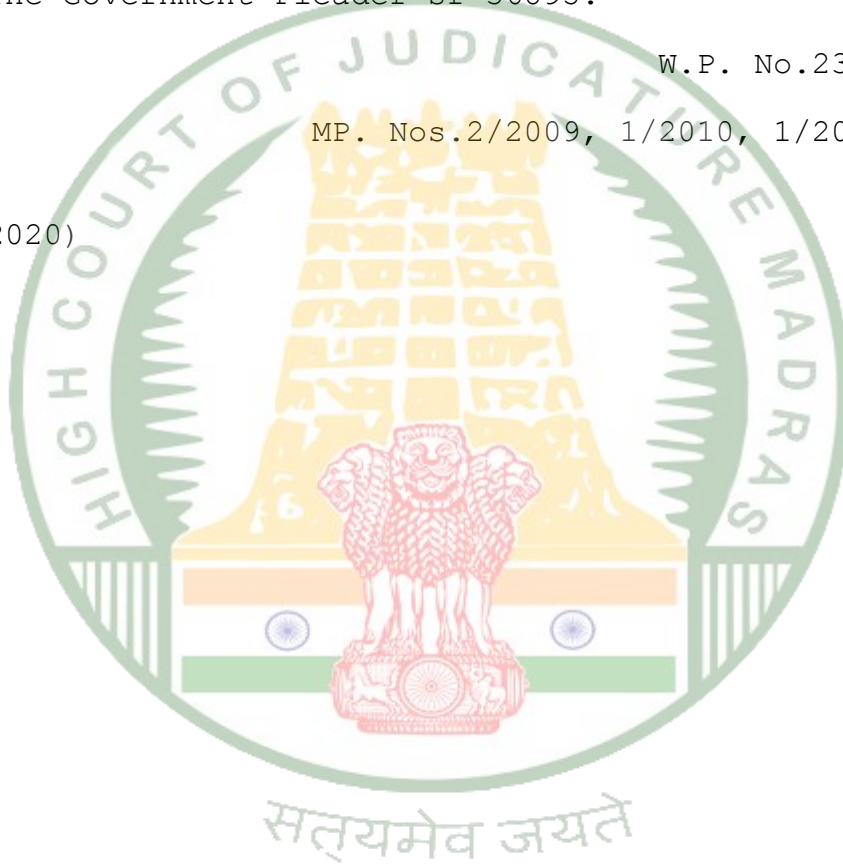
2.The Assistant Commissioner,  
Hindu Religious and Charitable Endowments Dept.,  
Salem and Dt.

+1 CC to Mr.K. Ashok Kumar, Advocate sr 37121

+1 CC to The Government Pleader sr 36895.

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UM(CO)  
SP(09/12/2020)



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