

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.4435 of 2020
and
WMP. No.5250 of 2020

B.Saroja

.. Petitioner

Vs.

1 The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Coimbatore
Dr.Balasundaram Road Coimbatore 18.

2 The Deputy Commissioner /
Executive Officer
Arulmighu Bannaari Maariamman Thirukoil Pannaari
Sathiyamangalam Taluk Erode District.

3 G.Anusiya Devi .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for entire records pertaining to the order dated 1.4.2019 of the 1st respondent in Se. Mu. Na. Ka. No. 4086 / 2018 / A1 and quash the same and direct the 1st respondent to dispose the application in M.P. No. 60/2018 pending in its file on merits within the time frame.

For Petitioner : Mr.V.Srikanth

For Respondents : Mr.M.Karthikeyan, Spl.G.P.

O R D E R

Heard Mr.V.Srikanth, learned counsel for the petitioner and Mr.M.Karthikeyan, learned Special Government Pleader for the respondents.

2. By order dated 25.02.2020, this Court had directed the Joint Commissioner, HR & CE Department to call the three sisters being the legal heirs of Mr.C.V.Rajendran, who passed away on 09.07.2016 to determine the issue of continuance of hereditary trusteeship by that branch of the family in the management and administration of the Arulmighu Bannari Mariamman Temple situated at Bannari, Sathyamangalam Taluk, Erode District (Temple).

3. The aforesaid Temple is admittedly a public religious institution in terms of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 (in short 'Act'), coming under the jurisdiction of the Joint Commissioner and being administered by an appointed Executive Officer. The three

sisters, the petitioner/Mrs.B.Saroja, Mrs.Bhakayavathy and Mrs.G.Anusiya Devi, arrayed as R3 appeared before the Joint Commissioner and in report dated 10.03.2020 the Joint Commissioner states that all three are to be recognized as hereditary trustees. It is the contention of the petitioner that the formal handing over of trusteeship has not been effected till date.

4. Order dated 13.12.1993 passed in O.A.No.21 of 1993 by the Deputy Commissioner HR & CE Coimbatore recognizes the position that the Temple is to be administered by a Committee comprising six hereditary trustees. With the demise of Mr.Rajendran, one branch falls vacant to be filled by his legal heirs.

5. Thus the sisters will appear before the Joint Commissioner, HR & CE Department, on a date that is mutually convenient, along with a proposal as to how they, inter alia, intend to represent their branch (one seat) in the Committee managing the Temple. I am assured by Mr.Karthikeyan, learned Special Government Pleader that, in the meanwhile, the administration of the Temple will continue unhindered, under the present hereditary trustees and the Executive Officer.

6. In the light of the aforesaid, order dated 01.04.2019 is quashed.

7. This writ petition is disposed in the above terms. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Coimbatore
Dr.Balasundaram Road Coimbatore 18.
- 2 The Deputy Commissioner /
Executive Officer
Arulmighu Bannaari Maariamman Thirukoil Pannaari
Sathiyamangalam Taluk Erode District.

+1cc Mr.V.Srikanth, Advocate SR No.27152

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