

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.9025 of 2011
and
MP. No.1 of 2011

C.Balaji
Hereditary Trustee of A/M/Pachaivannar & Pavalannar Temple,
Kancheepuram. ... Petitioner

VS

- 1 The Commissioner,
Hindu Religious and Charitable Endowments
(Admn) Department, Nungambakkam,
Chennai-34.
- 2 The Joint Commissioner,
Hindu Religious and Charitable Endowments
(Admn) Department, Vellore. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the impugned order of the Commissioner H.R. & C.E. Chennai passed in A.P.No.26/2002 dt.1.3.2011 in so far it relates to the dismissal of the Hereditary Trustee in office made by the Joint Commissioner H.R. & C.E. Vellore in his proceedings in Se.Mu.Na.Ka.No.1827/99/E1 dt.1.7.2002 and quash the same.

For Petitioner : Mr.D.Rajagopal
For Respondent : Mr.R.Venkatesh,
Government Advocate

ORDER

The challenge in this writ petition is to an order dated 01.03.2011 in Appeal Petition No.26 of 2002. The petitioner was a hereditary trustee in the Arulmighu Pachaivannar and Pavalavannar Temple, (temple) in Kanchipuram. On account of certain irregularities in his management, charges were framed in

terms of Section 53(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (in short 'Act') on 21.01.2002. The petitioner was placed under suspension and after full enquiry has been removed from office as a hereditary trustee by order dated 01.07.2002.

2. The aforesaid order came to be challenged by way of appeal filed under Section 53(5) of the Act and an alternate contention was raised by the petitioner therein to the effect that the post being hereditary, his wife should be permitted to continue as trustee in his place even assuming that his suspension and removal were to be upheld.

3. The wife of the petitioner C.Adhilakshmi simultaneously filed miscellaneous petition No.1 of 2003 before the Joint Commissioner/R2 to record her succession of hereditary trusteeship in the temple. The petition has come to be allowed recognizing Adhilakshmi as next in line of succession to the petitioner.

4. As far as the impugned order is concerned, the Appellate Authority has rendered a clear finding to the effect that the charges framed against the petitioner were based on irregularities in the matter of unauthorizedly constructing shops, demolishing the wall of the temple and letting the shops out on rent. Encroachers were treated as tenants and no sanction or approval was obtained in regard to the various activities undertaken by him.

5. The charges have thus been held to be proved by the Joint Commissioner and confirmed in appeal. There is nothing contrary placed on record before me. In fact, there is no averment in the affidavit denying the charges foisted, except a bald averment to the effect that the charges be set aside and the petitioner reinstated to the office as hereditary trustee. No material whatsoever has been placed on record to justify this prayer.

6. This writ petition is thus dismissed and the impugned order confirmed. No costs. Connected Miscellaneous Petition is also dismissed.

WEB COPY

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Ska/sl
To

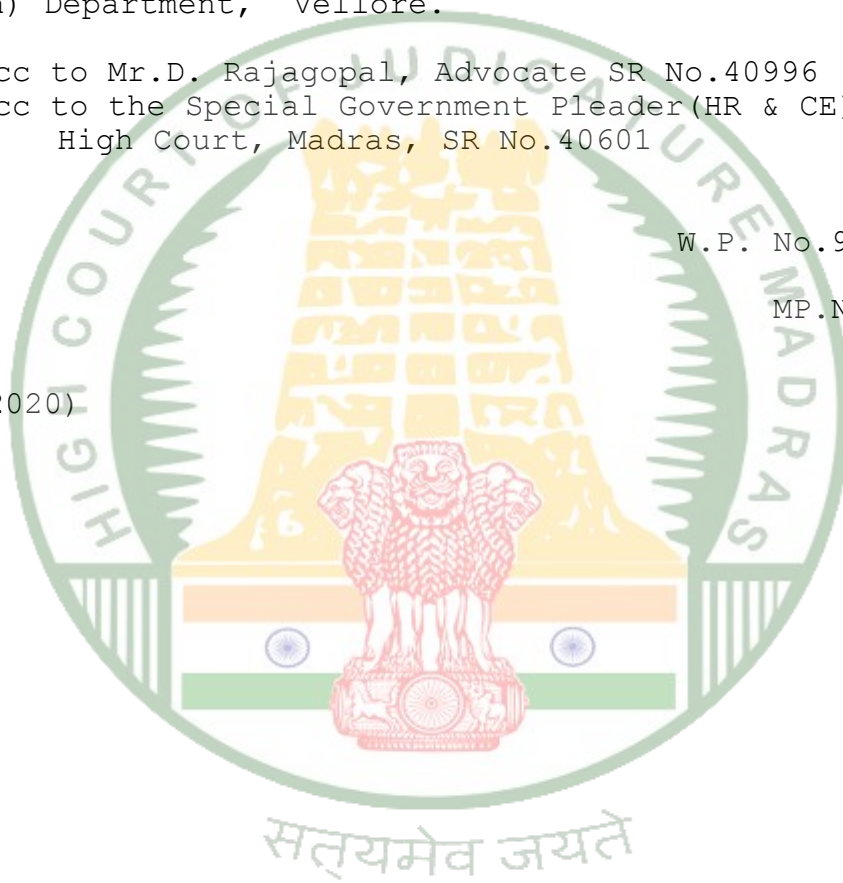
- 1 The Commissioner,
Hindu Religious and Charitable Endowments
(Admn) Department, Nungambakkam,
Chennai-34.
- 2 The Joint Commissioner,
Hindu Religious and Charitable Endowments
(Admn) Department, Vellore.

+1 cc to Mr.D. Rajagopal, Advocate SR No.40996
+1 cc to the Special Government Pleader(HR & CE),
High Court, Madras, SR No.40601

W.P. No.9025 of 2011
and
MP.No.1 of 2011

EV (CO)

NS (30/12/2020)



WEB COPY