

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.23817 of 2019

1.T.T.Gunasekaran

2.S.P.Murugesan

3.K.Natarajan

4.T.S.Gopalakrishnan

...Petitioners

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
119, Uthamar Gandhi Road, Chennai 600 034

2.The Deputy Commissioner,
Hindu Religious and Charitable Endowment Board,
Namakkal

3.The Joint Commissioner
Hindu Religious and Charitable Endowment Board,
Namakkal

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Namakkal.

(R4 impleaded as per order dated 05.11.2019 made in
W.M.P.No.31286/2019 in W.P.No.23817 of 2019 by PDAJ)

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 2 and 3 to expedite the appointment of trustees for Arulmigu Pachiyamman Temple, Thiruchengodu, within a time frame that may be fixed by this Court.

For Petitioner : Mr.M.Nandhakumar

For Respondents: Mr.M.Karthikeyan
Spl. Govt. Pleader

O R D E R

The Writ Petition has been filed in the nature of Mandamus seeking for direction to the respondents 2 and 3 to expedite process of appointment of trustees for the Arulmigu Pachiyamman Temple, Thiruchengodu within a particular time frame.

2.The 2nd and 3rd respondents are the Deputy Commissioner of HR&CE, Namakkal District and Joint Commissioner of HR&CE, Namakkal District . In the affidavit support of the Writ Petition it has been claimed that administrative scheme has been framed in O.A.No.4/97 by an order dated 04.11.210 and it had been published in the Namakkal District Gazatte dated 04.01.2010 with respect to Arulmigu Pachiyamman Temple. As per the scheme the following directions were issued:

- a. All the properties derived in all means shall vest with the idol of the temple
- b. The temple shall be managed by the trust consist of not less than three and not exceeding five, non hereditary trustees.
- c. The respondents shall appoint two to four trustees from persons belonging to Segundha Mudaliar Community and belong to seven sub sects of Veerabhadra Gothram i.e. Vengai Malayan, Thokkavadiyaan, Sennampattiar, Iraikinathar, Vandikarar and Sadayappa groups.
- d. The respondents shall also appoint one person from priests.

3.It is stated that second respondent had called for applications on 20.03.2018 for the appointment of Trustees and the petitioner had submitted the application along with relevant documents. It is claimed that the petitioners are eligible to be appointed as Trustees of said temple. According to the petitioners, the respondents have not taken any step in disposing of the representation or the application or in appointing trustees. Consequently, the present Writ Petition has filed.

4. Today, M.Karthikeyan, learned Special Government Pleader HR&CE has forwarded copy of the letter dated 20.01.2020 in Na.Ka.No.3219/2018/A6, wherein the Assistant Commissioner, HR&CE had stated that the 3rd respondent herein namely the Joint Commissioner, Namakkal, would be conducting enquiry and notices have been issued and the copy now submitted to the Court also contain the names of the petitioners as the persons to whom notices have been issued to participate in the enquiry on 31.01.2020 at 12 p.m. This Court is of the view that the Joint Commissioner would conduct fair enquiry. Consequently, the Writ Petition stands disposed of and direction is given to the Joint Commissioner to proceed further in the enquiry and scheduled on 31.01.2020 and thereafter, pass appropriate final orders on or before 31.03.2020.

5. With the above observation, the Writ Petition stands disposed of. No Costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vsn

To

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119, Uthamar Gandhi Road, Chennai 600 034

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Namakkal

3.The Joint Commissioner
Hindu Religious and Charitable Endowment Board,
Namakkal

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Namakkal.

+1cc to Mr.M.Nandhakumar , Advocate SR.No. 3993

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A.SK(17/02/2020)

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