

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.01.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 26697 of 2019

T.Subhashini

... Petitioner

..Vs..

1.The Commissioner  
Hindu Religious and Charitable Endowment Department  
Uttamar Gandhi Road  
Nungambakkam, Chennai - 600 034.

2. The Joint Commissioner  
Hindu Religious and Charitable Endowments Department  
Uttamar Gandhi Road,  
Nungambakkam,  
Chennai - 600 034.

3. T.Sampath Kumar

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the representations of the petitioner dated 25.06.2019 and 31.07.2019 respectively and to pass appropriate orders within a time frame.

For Petitioner : Mr.N.Nathami for Mr.T.S.Baskaran

For Respondents: Mr.M.Karthikeyan

O R D E R

The writ petition has been filed in the nature of a mandamus, directing the respondents 1 & 2 to consider the representations of the petitioner dated 25.06.2019 and 31.07.2019 respectively.

2. In the affidavit filed in support of the writ petition, it is stated that the petitioner is one among the members of the Arulmighu T.V.R. Subbi Chetty Charities, Chennai. It is stated that the Trust is an institution which comes under the control of HR & CE Department under Section 46 of the HR & CE Act. It is

also stated that the institution is governed by a scheme settled in C.S.No.85/1939 dated 13.10.1941 by this Court and further in Application No.3047 of 1973, dated 19.03.1974.

3. It is further stated that serious allegations have been levelled against T.Sampath Kumar, the third respondent herein and subsequently 29 charges were framed by the first respondent/Commissioner in proceedings dated 29.04.2009. A Show Cause Notice has also been issued to the third respondent and hence, he has filed a writ petition in W.P.No.9209 of 2009 and the writ petition was disposed on 26.10.2018, with a direction to the second respondent/Joint Commissioner HR & CE to initiate proceedings under Section 101 against the erred Trustee.

4. However, the learned Counsel for the petitioner stated that she is next in line of succession for the post of Hereditary Trustee and the other relatives have also agreed to relinquish their rights in favour of the petitioner. Therefore, the petitioner had a filed representation seeking to appoint her as Hereditary Trustee.

5. Today the learned Counsel for the petitioner has drawn the attention of this Court to the order passed by the Joint Commissioner dated 13.12.2014 in Na.Ka.No.6739/2014/A1 wherein it has been stated that if there is a vacancy, the petitioner may file a proper application under Section 54 (1) of the HR & CE Act 1959. The learned counsel for the petitioner also submits that she would file such application.

6. Hence, the petitioner, if she so desires may file such an application on or before 15.02.2020, before the appropriate Authority viz., Joint Commissioner HR & CE and the said official may pass orders after due enquiry and after granting opportunity, in accordance with law, on or before 15.03.2020.

7. With the above observations, the writ petition stands disposed of. No costs.

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Sd/-  
Assistant Registrar

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Sub Assistant Registrar

To

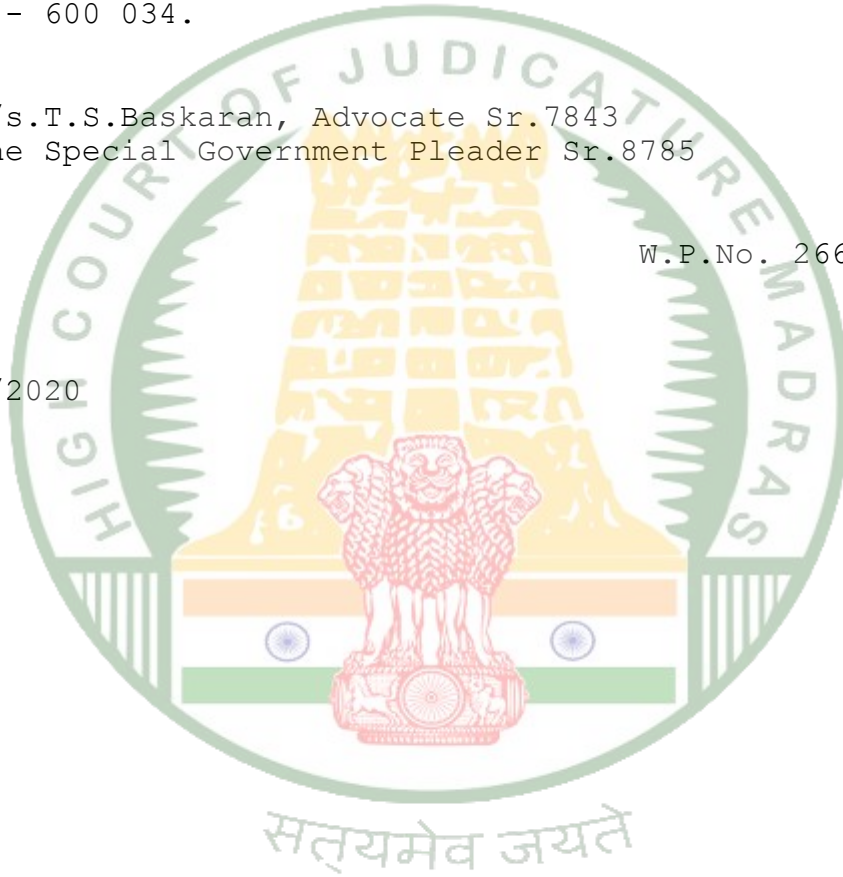
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+1cc to M/s.T.S.Baskaran, Advocate Sr.7843  
+1cc to the Special Government Pleader Sr.8785

W.P.No. 26697 of 2019

vsn II[co]  
srg 12/02/2020



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