



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.4622 of 2020

and

W.M.P(MD)Nos.3978 & 3979 of 2020

Periyasamy

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious & Charitable Endowments (Admn.) Department,
Thiruvanaikaval,
Tiruchirappalli.

2.The Assistant Commissioner,
Hindu Religious & Charitable Endowments (Admn.) Department,
Karur District.

3.The Inspector,
Hindu Religious & Charitable Endowments (Admn.) Department,
Karur.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the first respondent in Na.Ka.No.984/2019/Aa4, dated 20.03.2019 is illegal and quash the same consequently direct the respondents 1 to 3 not to interfere in the administration of the temple i.e., Arulmigu Sri Vengatapuram Mariammal Temple also called as Sridevi Karumariamman Temple at Venkatapuram, Vellianai Village, Karur District.

For Petitioner : Mr.Mohideen Basha,
For D.S.Haroon Rasheed

For Respondents 1 & 2 : Mr.V.R.Shanmuganathan,
Special Government Pleader

For 3rd Respondent : Mr.P.Athimoolapandian



O R D E R

This writ petition has been filed in the nature of Certiorarified Mandamus, questioning the order of the first respondent, the Joint Commissioner, Hindu Religious and Charitable Endowments (Admn.) Department, Thiruvanaikaval, Tiruchirappalli, in Na.Ka.No.984/2019/Aa4, dated 20.03.2019, and direct the respondents 1 to 3 not to interfere in the administration of Arulmigu Sri Vengatapuram Mariammal Temple also known as Sridevi Karumariamman Temple at Venkatapuram, Vellianai Village, Karur District.

2.Mr.V.R.Shanmuganathan, learned Special Government Pleader, takes notice on behalf of the respondents 1 and 2. Mr.P.Athimoolapandian, learned Advocate takes notice on behalf of the 3rd respondent.

3.The Petitioner, Periyasamy, S/o.Natchimuthu Goundar, claims that as Grama Kothukarar of the temple, namely, Arulmigu Sri Vengatapuram Mariammal Temple also known as Sridevi Karumariamman Temple at Venkatapuram, Vellianai Village, Karur District, his family has been managing the temple hereditarily. He also states that he is the head of all the Nattamaikarars from 32 Villages. In the affidavit, he had also stated that various instances, wherein, he had acted for the benefit of the temple. Notwithstanding such claims and averments, the Impugned order came to be passed on 20.03.2019, whereby, the first respondent namely, the Joint Commissioner, Hindu Religious and Charitable Endowments (Admn.) Department, Thiruvanaikaval, Tiruchirappalli, had appointed an Executive Officer for the said Temple. The Executive Officer of the Arulmigu Kalyana Pasupatheeswarar Temple, Karur has been appointed as the Executive Officer of the temple, namely, Arulmigu Sri Vengatapuram Mariammal Temple also known as Sridevi Karumariamman Temple at Venkatapuram, Vellianai Village, Karur District.

4.The learned Special Government Pleader would submit that the order, dated 20.03.2019, which is impugned in this writ petition, can be re-examined by the Commissioner, Hindu Religious and Charitable Endowments (Admn.) Department under Section 21 of Hindu Religious and Charitable Endowments Act, 1959, The Joint Commissioner had passed further orders on 27.11.2018, confirming the appointment of the same Executive Officer who has taken charge on 27.12.2017 and therefore a preliminary objection is raised by the learned Special Government Pleader stating that the writ petition is not maintainable.

5.On the other hand, the learned Counsel for the petitioner states that he had filed O.A.No.11 of 2019 before the first respondent namely, the Joint Commissioner, Hindu Religious and Charitable Endowments (Admn.) Department, Thiruvanaikaval,



Tiruchirappalli, seeking recognition as hereditary trustee and that application has been filed under Section 63(B) of Hindu Religious and Charitable Endowments Act. That was filed in September 2018 and is said to be still pending. Therefore, the following directions are given :

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1)The first respondent-the Joint Commissioner, Hindu Religious and Charitable Endowments (Admn.) Department, Thiruvanaikaval, Tiruchirappalli, is directed to proceed further and give personal attention to disposal of O.A.No.11 of 2019, which matter is said to be pending before the said Official for the past one and a half years.

2)In such circumstances, the said Official / the Joint Commissioner, Hindu Religious and Charitable Endowments (Admn.) Department, Thiruvanaikaval, Tiruchirappalli, may, to the extent possible, if notice has already been served on the petitioner or on any other necessary party, conduct the hearing on a day to day basis. Even if adjournments are sought, they can be granted with a gap of not more than four days in between two adjournments and not more than two adjournments can be granted. At any rate, an effort should be taken to dispose of O.A.No.11 of 2019 on or before 20.04.2020. This outer limit is fixed, since it is represented that in the month of May, the festival of the temple is normally scheduled to be performed and the petitioner is naturally interested in the decision taken in his application to be appointed as a hereditary trustee.

3)Pending disposal of O.A.No.11 of 2019, the Executive Officer of Arulmigu Kalyana Pasupatheeswarar Temple, Karur, who has been appointed to act as the Executive Officer of Arulmigu Sri Vengatapuram Mariammal Temple also known as Sridevi Karumariamman Temple at Venkatapuram, Vellianai Village, Karur District, may continue to act as Executive Officer for the present temple, but his term would depend upon the final orders passed in O.A.No.11 of 2019.

4)The petitioner may co-operate in early disposal of O.A.No.11 of 2019 and there should be no complaint of default, on his part and enquiry being protracted.



5)The Court has confidence that the Joint Commissioner would not be influenced either by appointment of an Executive Officer or also on the fact that on earlier application in O.A.No.14 of 1997 filed for the same relief had been dismissed for non-prosecution.

6.This Court also had the benefit of hearing the submissions made by Mr.P.Athimoolapandian, learned counsel, who has appeared on behalf of the Executive Officer, though he was not a party to the writ petition.

7.With the above observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

- 1.The Joint Commissioner,
Hindu Religious & Charitable Endowments (Admn.) Department,
Thiruvanaikaval,
Tiruchirappalli.
- 2.The Assistant Commissioner,
Hindu Religious & Charitable Endowments (Admn.) Department,
Karur District.
- 3.The Inspector,
Hindu Religious & Charitable Endowments (Admn.) Department,
Karur.

+1 CC to M/s.D.S.HAROON RASHEED, Advocate (SR-10109[F]

W.P(MD)No.4622 of 2020
04.03.2020

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