



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 04.09.2020

PRONOUNCED ON : 15.09.2020

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P. (MD)Nos.7755, 8735 & 9541 of 2020 and
WMP(MD)Nos.7235, 7236, 8038, 8039 and 8599 of 2020

W.P. (MD)No.7755 of 2020

N.Srinivasan Naidu,
S/o.Narayanasamy Dasari,
Hereditary Executive Trustee,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungampakkam,
Chennai - 34.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Trichy.
3. S.Rengarajan Naidu
S/o.Sanjeevi Naidu,
Hereditary Trustee,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.
4. S.Sundarrajan Naidu,
S/o.Sanjeevi Naidu,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.



5. S.Varadharajan Naidu,
S/o.Sanjeevi Naidu,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.

6. G.Thiagarajan,
S/o.Govindharajan,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 17.06.2020 on the second respondent in M.P.No.407 of 2019 in respect of Arulmigu Sanjeevirayar temple situate at Pidampatti, Pudukottai District and quash the same as illegal and consequently declare the petitioner as Hereditary Trustee and Poojagar of A/m.Sanjeevirayar temple, Pidampatti, Kulathur Taluk, Pudukottai District.

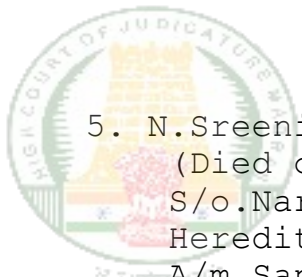
W.P. (MD)No.8735 of 2020:

S.Varadharajan Naidu

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungampakkam,
Chennai - 34.
2. The Joint Commissioner,
The Hindu Religious and
Charitable Endowment Department,
Trichy.
3. S.Rengarajan Naidu,
S/o.Sanjeevi Naidu,
Hereditary Trustee,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.
4. S.Sundarrajan Naidu,
S/o.Sanjeevi Naidu,
Hereditary Trustee,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.



5. N.Sreenivasan Naidu,
(Died on 23.07.2020),
S/o.Narayanasamy Dasari,
Hereditary Trustee and Poojakar,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.

6. G.Thiagarajan,
S/o.Govndharajan,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.

7. S.Narayanan,
S/o.Late.Srinivasan,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 17.06.2020 of the second respondent in M.P. No.407 of 2019 in respect of Arulmigu Sanjeevirayar temple situate at Pidampatti, Kulathur Taluk, Pudukottai District and quash the same as illegal and consequently declare the petitioner as Managing Hereditary Trustee of A/m.Sanjeevirayar temple, Pidampatti, Kulathur Taluk, Pudukottai District.

W.P. (MD)No.9541 of 2020

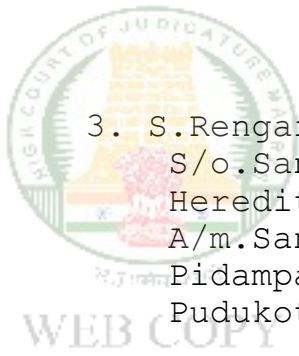
S.Narayanasamy,
S/o.Late.N.Srinivasan Naidu,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungampakkam,
Chennai - 34.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Trichy.



3. S.Rengarajan Naidu
S/o.Sanjeevi Naidu,
Hereditary Trustee,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.
4. S.Sundarrajan Naidu,
S/o.Sanjeevi Naidu,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.
5. S.Varadharajan Naidu,
S/o.Sanjeevi Naidu,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.
6. G.Thiagarajan,
S/o.Govindharajan,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.
7. S.Amutha,
W/o.Late.N.Srinivasan Naidu,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.
8. S.Prema,
D/o.Late.N.Srinivasan Naidu,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.
9. S.Vimala,
D/o.Late.N.Srinivasan Naidu,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.
- 10.S.Lakshmi,
D/o.Late.N.Srinivasan Naidu,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.



11. S.Gnanapriya,
D/o.Late.N.Srinivasan Naidu,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.

12. S.Revathi,
D/o.Late.N.Srinivasan Naidu,
A/m.Sanjeevirayar Temple,
Pidampatti, Kulathur Taluk,
Pudukottai District.

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 03.08.2020 of the second respondent in Na.Ka. No.4693/2019/b1 in respect of Arulmigu Sanjeevirayar temple situate at Pidampatti, Pudukottai District and quash the same as illegal and consequently declare the petitioner as Hereditary Trustee and poojagar of A/m.Sanjeevirayar temple, Pidampatti, Kulathur Taluk, Pudukottai District.

(in all W.Ps.)

For Petitioners : Ms.S.Devasena in
W.P.(MD)Nos.7755 & 9541 of 2020

: Mr.V.Nagendran
in W.P.(MD)No.8735 of 2020

For R-1 & R-2 : Mr.K.P.Narayanakumar,
Special Government Pleader
in all W.Ps.

For R-3,R-4&R-6 : Mr.D.Ramesh Kumar
in all W.Ps.

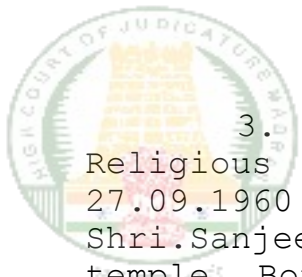
For R-5 : Mr.V.Nagendran
in W.P.(MD)Nos.7755 & 9541 of 2020

For R-7 : Ms.S.Devasena
in W.P.(MD)No.8735 of 2020

C O M M O N O R D E R

Heard the learned counsel on either side.

2. These writ petitions pertain to the management and administration of Arulmigu Sanjeevirayar temple, Pidampatti, Pudukottai District.



3. The temple comes under Section 46(1) of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Vide order dated 27.09.1960 made in O.A.No.46 of 1960, Shri.Narayanasamy Dasari and Shri.Sanjeevi Naidu were appointed as hereditary trustees of the temple. Both are brothers. Shri.Narayanasamy Dasari passed away on 08.02.1979. In his place, Shri.N.Srinivasan Naidu, the petitioner in W.P. (MD)No.7755 of 2020 was recorded as hereditary trustee. Shri.Sanjeevi Naidu was removed from his trusteeship vide order dated 12.08.1992. Shri.Sanjeevi Naidu passed away on 18.10.1997. Shri.Sanjeevi Naidu's place has been taken over by Shri.Thiagarajan, Shri.Rengarajan, Shri.Sundarrajan and Shri.Varadharajan. Since there are two branches, both of them have equal rights of fifty-fifty basis. Interestingly, the trustees have also been officiating as Poojaries of the temple.

4. At this stage, Shri.Rengarajan Naidu and Shri.Sundarrajan Naidu of Shri.Sanjeevi Naidu branch filed M.P.No.407 of 2019 before the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Thiruchirappalli. They wanted the trustees meeting to be convened for selection of one of them as managing trustee. The authority noted that Shri.Narayanasamy Dasari passed away on 08.02.1979 leaving behind his only son Shri.Srinivasan Naidu as legal heir. Shri.Srinivasan was held entitled to 50% of the hereditary trusteeship right which Shri.Narayanasamy Dasari enjoyed during his life time. Likewise the legal heirs of Shri.Sanjeevi Naidu were also held entitled to succeed to the remaining 50% of the hereditary trusteeship rights. It is stated that the female legal heirs of Shri.Sanjeevi Naidu have consented for devolving their hereditary trusteeship to the male legal heirs. This relinquishment on their part had also been during recorded vide proceedings in Se.Mu.Pa.Mu.No.4376/2009/A4 dated 24.04.2011. The Joint Commissioner, H.R.&C.E. ADMN. Department, Thiruchirappalli, came out to the following arrangement vide order dated 17.06.2020 in M.P.No.407 of 2019:

" 1. The term of office for the managing trusteeship shall be two fasli years.

2. Arrangement to discharge the functions of the managing trusteeship as per the following order in rotation.

- 1. N.Srinivasan from Narayana Dasari branch*
- 2. Thiagarajan from Sanjeevi Naidu branch*
- 3. N.Srinivasan from Narayana Dasari branch*
- 4. Rengaraj from Sanjeevi Naidu branch*
- 5. N.Srinivasan from Narayana Dasari branch*
- 6. Sundararaj from Sanjeevi Naidu branch*
- 7. N.Srinivasan from Narayana Dasari branch*
- 8. Varadharaj from Sanjeevi Naidu branch*

3. When the branch of Narayana Dasari is discharging the functions of the managing trusteeship,



one of the heirs in the Sanjeevi Naidu branch may discharge the functions of the poojari in the temple.

4. The term of office for the managing trustee shall commence from the date one of July end with June 30 of the subsequent year."

It is this that is put to challenge in W.P.(MD)No.7755 of 2020.

5. During the pendency of the writ petition, Shri.Srinivasan Naidu passed away on 22.07.2020. Shri.Thiyagarajan Naidu gave his consent for appointment of Shri.Rengarajan Naidu as managing trustee. Based on the same, an order dated 03.08.2020 was issued directing Shri.Varadharajan Naidu to hand over the charge to Shri.Rengarajan Naidu. This order dated 03.08.2020 has been put to challenge by Shri.Narayanasamy, S/o.Srinivasan Naidu in W.P.(MD) No.9541 of 2020. Shri.Varadharajan Naidu is also aggrieved by order dated 17.06.2020 made in M.P.No.407 of 2019. Challenging the same, he has also filed W.P.(MD) No.8735 of 2020.

6. I am of the view that the Joint Commissioner, H.R.&C.E. ADMN. Department, Thiruchirappalli, had taken a pragmatic decision based on pure common sense. I also felt that the arrangement evolved by him is essentially fair. There are two branches, namely, Shri.Narayanasamy Dasari branch and Shri.Sanjeevi Naidu branch. Each branch is having 50% share in the hereditary trusteeship rights. The trustees are also officiating as Poojaris. Therefore, to have a smooth system of administration, the rotation system had been followed all these years and the same has also been officially recognised by the Joint Commissioner. Thus, when one branch is acting as a Poojari, the other branch will act as a trustee. Earlier Shri.Narayanasamy Dasari branch had only one legal heir, namely, Shri.Srinivasan Naidu. Therefore, there was no confusion as regards their side. But Shri.Srinivasan Naidu has passed away. He has left behind quite a few legal heirs. It is not as if Shri.Narayanasamy is the sole legal heir. Likewise there are many claims in Shri.Sanjeevi Naidu branch. Therefore, it is just and proper that all of them are heard.

7. I make it clear that the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Trichy, has to necessarily issue notice to all the parties and thereafter pass orders afresh. It is stated that Shri.Narayanasamy, S/o.Srinivasan is presently acting as Poojari. He is in the same village. If that be so, he can continue as Poojari till the next rotation year starts. It is also stated that the temple has been endowed with properties. The Joint Commissioner will have to evolve a proper mechanism as regards the properties also. The object is to ensure that the administration of both the secular as well as religious aspects is conducted smoothly and the properties fetch good income. The second respondent will decide the issue in this regard within a period of three months from the date of receipt of a copy of this



order.

8. These writ petitions stand disposed of accordingly. Till then the status quo as on date will continue. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department, Nungampakkam, Chennai - 34.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Trichy.

+2 CC to Mr.V.Nagendran, Advocate SR No.17008 & 17160
+1 CC to M/s Spl.G.P SR.No. 17117
+1 CC to M/s S.Devasena, Advocate SR.No.17007

PRE-DELIVERY
COMMON ORDER MADE IN
W.P. (MD)Nos.7755, 8735 & 9541 of 2020
15.09.2020

AP(22/09/2020) 8P 7C