



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.7799, 7804 and 7806 of 2020

and

W.M.P.(MD)Nos.7282,7284 and 7286 of 2020

S.Ramar Poosari ... Petitioner in W.P.(MD)No.7799 of 2020

S.Kathiresan Poosari ... Petitioner in W.P.(MD)No.7804 of 2020

R.Ariram Poosari ... Petitioner in W.P.(MD)No.7806 of 2020

Vs.

1.The Secretary to Government,
Hindu Religious and Charitable
Endowments Department,
Fort St.George,
Chennai.

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam High Road,
Chennai - 34.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Sivagangai.

4.The Executive Officer,
Arulmigu Mariammal Thirukovil,
Irrukankudi, Sattur Taluk,
Virudhunagar District.

5.S.R.M.Ramamurthi Possari,
Hereditary Trustee / Poosari,
Arulmigu Mariamman Temple,
Irrukankudi, Sattur Taluk,
Virudhunagar District.

... Respondents in all W.Ps.

Common Prayer: Writ petitions are filed under Article 226 of the Constitution of India, to issue a Writ of certiorarified Mandamus, to quash the impugned order passed by the 4th respondent in his

proceedings in Se.Mu.Na.Ka.No.13/2020-1 A5, Se.Mu.Na.Ka.No.

<https://hcservices.courts.gov.in/hcservices/>



13/2020-2 A5 and Se.Mu.Na.Ka.No.13/2020-3 A5 dated 04.06.2020 respectively after calling for records and restore the petitioner as poosari to the above temple.

(in all W.Ps)

For Petitioner : Mr.T.N.Rajagopalan
For Respondents : Mr.K.P.Narayanakumar,
Spl. Govt. Pleader for R1 to R3
Mr.V.R.Shanmuganathan,
Special Government Pleader
For Mr.P.Mahendran,
Additional Govt. Pleader for R4
Mr.Dilipkumar for R5

C O M M O N O R D E R

Heard the learned counsel on either side.

2.The writ petitioners are functioning as hereditary trustees of Arulmigu Irrukankudi Mariammal Thirukovil, Irrukankudi, Sattur Taulk, Virudhunagar District. Incidentally, the trustees of the temple also double and officiate as poojaries by turns. A scheme of administration had also been framed.

3.The question that arises for consideration in this case is whether the suspension imposed on the writ petitioners is valid or not. The learned counsel appearing for the writ petitioners states that the impugned orders suffer from malafides. He would point that the petitioners are not on good terms with one of the trustees against whom serious allegations have been made. They would allege that at his instance, the resolution of the board of trustees was passed paving away for the eventual suspension of the petitioners herein. The learned counsel for the writ petitioners would state the order passed by the Executive Officer is not in tune with the "terms of resolution". He would also advance quite a few other contentions.

4.The petitioners are having an effective alternative remedy. Section 56(2) of the Tamilnadu Hindu Religious and Charitable Endowments Act, 1959, provides for remedy of appeal before the Joint Commissioner.

5.The petitioners are very much continuing to function as trustees. They have only been suspended from acting as poojaries. Since Section 56(2) of the Act provides an effective alternative remedy, I am not inclined to enter into the factual and legal contentions advanced by the petitioners' counsel. Therefore, these writ petitions are disposed of by relegating the petitioners to move the Joint Commissioner, Hindu Religious and Charitable



Endowments Department, Sivagangai.

6.At this stage, the learned counsel for the petitioners states that since there are a number of persons who are waiting for their turn to officiate as poojaris. If the petitioners lose their turn, the loss suffered by them would be irreparable. Therefore, taking note of the urgency projected by the petitioners' counsel, I direct the third respondent to dispose of the appeals to be filed by the petitioners herein within a period of two weeks. The petitioners' counsel states that the petitioners will file their appeals before the third respondent within a period of one week from the date of receipt of a copy of this order. The third respondent is mandated to take up the appeals for hearing on 01.10.2020. It is stated that some CCTV footages have to be viewed by the Joint Commissioner. The Joint Commissioner will view the same on 01.10.2020 or any other subsequent date within a period of one week thereafter in the presence of one representative on behalf of the board of trustees and one representative on behalf of the writ petitioners. Their respective counsel can be present when the CCTV footages have to be viewed. It is stated that the CCTV footage may run to a few hours. But it is strongly contended that unless the CCTV footage is seen in its entirety, the appellate authority may not be able to arrive at the factual finding. The Joint Commissioner is also directed to summarize his finding as regards the CCTV footage when he is disposing of the appeals. Since the original orders have been filed before this Court, it is sufficient, if the petitioners file photocopies of the impugned orders. As and when they are filed, the same will be numbered and taken up for disposal on 01.10.2020 itself. The petitioners shall of course serve advanced copies on the respondents.

7.The rights of the petitioners would abide by the outcome of the appeals. I make it clear that I have not gone into the merits of the matter. All the contentions of the respective parties are left entirely open. The Executive Officer is directed to intimate all the trustees that hearing in the appeals will be taken on 01.10.2020 and that they will not be getting any independent notices. No costs. Consequently, connected miscellaneous petitions are closed.

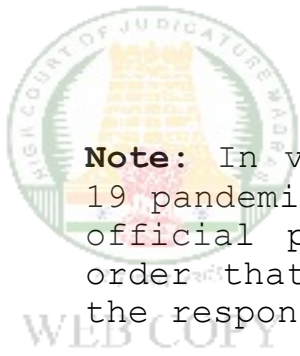
Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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 Secretary,
Hindu Religious and Charitable
Endowments Department,
Fort St.George, Chennai.
- 2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam High Road,
Chennai - 34.
- 3.The Joint Commissioner,
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Endowments Department,
Sivagangai.
- 4.The Executive Officer,
Arulmigu Mariammal Thirukovil,
Irrukankudi, Sattur Taluk,
Virudhunagar District.

+3 CC to M/s.A. JOESPH JERRY, Advocate (SR-17492 to 17494[F]
dated 21/09/2020)

+1 CC to M/s.GP (SR-17571, 17537, 17538 [F] dated 21/09/2020)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-17381[F] dated
21/09/2020)

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