



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2020

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD)No.11534 of 2020 and

WMP(MD) No.10043 of 2020

WEB COPY

R.Kathiresan

... Petitioner

Vs.

1.The Commissioner,  
Hindu Religious and Charitable Endowments,  
Nungampakkam High Road,  
Chennai - 34.

2.The Joint Commissioner,  
Hindu Religious and Charitable Endowments,  
Sivagangai,  
Sivagangai District.

3.The Assistant Commissioner,  
Hindu Religious and Charitable Endowments,  
Paramakudi,  
Sivagangai District.

4.The Inspector,  
Hindu Religious and Charitable Endowments,  
Tirupathur,  
Sivagangai District.

5.The Fit Person,  
Arulmigu Manicka Natchi Amman Temple,  
Therkupattu Village,  
Tirupathur Circle, Kandramanickam Post,  
Sivagangai District.  
Holding office of Executive Officer,  
Koppudaya Nayagi Amman Temple,  
Karaikudi,  
Sivagangai District.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.3090/2020/A1 dated 24.08.2020 served on the petitioner on 03.09.2020 on the file of 2<sup>nd</sup> respondent and the consequential impugned order dated 31.08.2020 served on the petitioner on 03.09.2020 on the file of 5<sup>th</sup> respondent herein and quash the same as illegal and consequently for a direction, directing the respondent No.2 herein to appoint the petitioner herein as Hereditary Trustee of the Arulmigu Manicka Natchi Amman Temple, Therkupattu, Kandramanickam post, Tirupathur Taluk, Sivagangai District by considering the application of the



petitioner dated 31.08.2020, within the time stipulated by this Court.

For Petitioner : T.Lajapathi Roy  
For R1 to R4 : Mr.K.P.Narayana kumar  
Special Government Pleader  
For R5 : Mr.V.R.Shanmuganathan

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**O R D E R**

Heard the learned counsel on either side.

2. The order appointing the fit person for the petition mentioned temple is put to challenge in this Writ Petition. It is seen that the temple is a public temple. As many as four persons were functioning as hereditary trustees of the temple. All the four persons had passed away. It appears that their legal heirs had not taken any steps for recording themselves as hereditary trustees in the place of the deceased persons. That apart, portions of the temple property appears to have been alienated. There are also other allegations. Be that as it may, the order appointing the fit person is not preceded by any notice. Therefore, on that sole ground, I quash the same.

3.The matter is remitted to the second respondent to pass orders afresh, in accordance with law. The legal heirs of the deceased hereditary trustees are at liberty to apply to the second respondent for recording themselves as hereditary trustees.

4.The petitioner's counsel states that they have already moved the second respondent and the same is enclosed in the typed set of papers. The learned Government counsel states that the applications are not in a proper format. The petitioner's counsel states that the petitioner will file proper application in this regard. On receipt of such application, the same will be disposed of as early as possible. Recording the names of the applicants as hereditary trustee will be independent of the proceedings that may be taken as regards the appointment of the fit person. On these terms, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

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



**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 Endowments,  
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Chennai - 34.
- 2.The Joint Commissioner,  
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Sivagangai,  
Sivagangai District.
- 3.The Assistant Commissioner,  
Hindu Religious and Charitable Endowments,  
Paramakudi,  
Sivagangai District.
- 4.The Inspector,  
Hindu Religious and Charitable Endowments,  
Tirupathur,  
Sivagangai District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate ( SR-16979[F] dated 15/09/2020 )

+1 CC to M/s.SPL GP ( SR-17120[F] dated 16/09/2020 )

W.P.(MD)No.11534 of 2020 and  
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14.09.2020

SCR(CO)  
KB(05.10.2020) 3P 7C