



Charitable Endowments Act, 1959, for framing a scheme of administration in O.S.No.23 of 2003.

4. According to the petitioner, after enquiry, the said application was dismissed on the ground that the functions of the Society and the temple administration are different. According to the petitioner, thereafter, an appeal was filed by the Society, under Section 69(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 in A.P.No.51 of 2013, before the Commissioner, Hindu Religious and Charitable Endowments Department. The said Appeal was allowed and the matter was remanded back to the Authority below, for fresh enquiry on 18.03.2014. According to the petitioner, despite the order dated 18.03.2014, passed by the Commissioner, Hindu Religious and Charitable Endowments Department, remanding the matter, till date, even after the lapse of six years, the respondent has not taken up the matter for fresh enquiry, as directed by the Commissioner, Hindu Religious and Charitable Endowments Department.

5. It is the contention of the petitioner that the administration of the temple was properly done by the villagers without any problem. But, according to him, in the impugned notification dated 05.10.2020, the respondent has called for applications for appointment of non hereditary trustee for the aforesaid temple. It is the contention of the petitioner that without passing final orders by the respondent as directed by the Commissioner, Hindu Religious and Charitable Endowments Department, in his letter dated 18.03.2014, passed in A.P.No.51 of 2013, the respondent is prohibited from seeking for appointment of non hereditary trustee for the aforesaid temple. The petitioner has already given a representation dated 15.03.2019 to the respondent calling upon him to dispose of O.A.No.23 of 2003 as directed by the Commissioner, Hindu Religious and Charitable Endowments Department in A.P.No.51 of 2013. The said representation has also not been considered by the respondent. Without considering the said representation, the impugned order dated 05.10.2020 calling for appointment of non hereditary trustee has been issued by the respondent. In such circumstances, this Writ Petition has been filed, challenging the impugned notification dated 05.10.2020.

6. Mr.R.Murugaraj, learned Government Advocate, appearing for the respondent on instructions, would submit that the respondent is willing to hold an enquiry in O.A.No.23 of 2003 filed by the Society, as directed by the Commissioner, Hindu Religious and Charitable Endowments Department, in his letter dated 18.03.2014 passed in A.P.N.51 of 2013 within a period of twelve weeks from the date of receipt of a copy of this order. He would further submit that the respondent will keep the impugned notification dated 05.10.2020 calling for the applications for appointment of non hereditary trustee for the temple in abeyance till the disposal of O.A.No.23 of 2003.



7.The learned counsel appearing for the petitioner is satisfied with the submissions made by the learned Government Advocate appearing for the respondent.

8. In view of the submission made by the respective counsels, this Court directs the respondent to pass final orders in O.A.No.23 of 2003 after giving sufficient opportunity to the petitioner as well the other interested parties and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that the impugned notification dated 05.10.2020 shall be kept in abeyance till the disposal of O.A.No.23 of 2003 by the respondent.

9. With the aforesaid directions, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

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

The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
40, Muthusamy Road, off Thirupathur Road,
Sivagangai.

+1 CC to the SPL GP (SR-20484[F] dated 16/10/2020)

W.P. (MD)No.14431 of 2020

15.10.2020

CK(CO)

CS(03.11.2020) 3P 3C