



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.15861 of 2020

and

W.M.P. (MD)Nos.13289 and 13291 of 2020

WEB COPY

P.M.Pandiarajan

... Petitioner

Vs

1.The Commissioner,
HR & CE (Admn),
Chennai.

2.The Joint Commissioner,
HR & CE (Admn),
Madurai.

3.The Board of Trustees,
A/m. Pandimuneeswarar Temple,
Melamadai,
Madurai.

4.V.Aarthi

... Respondents

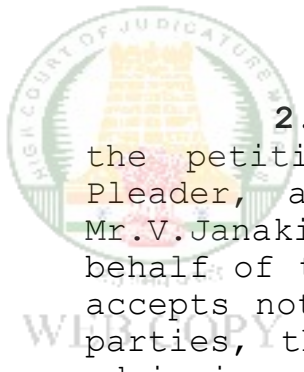
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the proceedings of the second respondent dated 16.09.2020 vide Na.Ka.No.8287/2019/AA1 on the petition of the fourth respondent and to quash the same.

For Petitioner	: Ms.J.Anandhavalli
For Respondents 1 and 2	: Mr.K.P.Narayanakumar Special Government Pleader
For 3 rd Respondent	: Mr.V.Janakikamulu Standing Counsel
For 4 th Respondent	: Mr.Mahahoob Attiff

ORDER

(This Petition was heard through Video Conferencing)

This writ petition has been filed, challenging the impugned proceedings of the second respondent dated 16.09.2020, under Section 54 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.



2. Heard Ms.J.Anandhavalli, learned counsel appearing for the petitioner, Mr.K.P.Narayanakumar, learned Special Government Pleader, accepts notice on behalf of the respondents 1 and 2, Mr.V.Janakiramulu, learned Standing Counsel, accepts notice on behalf of the 3rd respondent and Mr.Mahahoob Attiff, learned counsel accepts notice on behalf of the 4th respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that at the behest of the fourth respondent, the impugned proceedings has been initiated under Section 54(1) of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, for filling up the vacancies in the office of hereditary trustees for Pandimuneeswarar Temple, Malamadai, Madurai. According to the petitioner, the third respondent is in administration of the said temple and there is no permanent vacancy has arisen in the hereditary trusteeship.

4. It is the case of the petitioner that the second respondent ought to have seen that even during the lifetime of Veerapandi, the husband of the fourth respondent, he was sharing only pooja turn with the petitioner and he never functioned as a trustee. Further according to the petitioner, the fourth respondent has no locus standi to file an application under Section 54(1) of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

5. It is also the contention of the petitioner that the second respondent ought to have seen that the petition filed by the fourth respondent cannot be entertained without proper resolution passed by the third respondent Board. It is also contended by the petitioner that the second respondent failed to see that eight hereditary trustees, who were removed by the Department, were allowed to function through their family members by Hon'ble Apex Court. According to the petitioner, there is no permanent vacancy in the hereditary trusteeship for the aforementioned temple.

6. It is further contended that the second respondent ought to have seen that in the petition filed by the fourth respondent, she has categorically stated that her husband is sharing pooja turn along with the petitioner and that being so, the petition submitted by the fourth respondent under Section 54(1) of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, to record her as one of the hereditary trustees is not maintainable.

7. It is contended by the petitioner that the second respondent ought to have seen that Suo Moto Revision was initiated by the first respondent regarding the recognition of right of poojari of the third respondent temple is pending before the first respondent and that being so, the fourth respondent cannot file any application before the second respondent seeking any right for



recognition. On the aforementioned grounds, this writ petition has been filed.

8. Admittedly, no final order has been passed under Section 54(1) of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Only a notice has been issued by the second respondent to the petitioner. The objection raised by the petitioner in this writ petition can very well be raised by the petitioner before the second respondent in the enquiry to be conducted by the second respondent in the application submitted by the fourth respondent under Section 54(1) of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, seeking to fill up the vacancies in the office of hereditary trustee of Pandimuneeswarar Temple, Melamadai, Madurai.

9. This Court is of the considered view that the writ petition filed by the petitioner is premature, as no final order has been passed by the second respondent in the application filed by the fourth respondent under Section 54(1) of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Hence, this writ petition is not maintainable.

10. However, while passing the final order in the application filed by the fourth respondent under Section 54(1) of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, the grounds raised by the petitioner in this writ petition, which have been recorded above, will have to be duly considered by the second respondent on merits and in accordance with law.

11. The Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn

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,
HR & CE (Admn),
Chennai.

2.The Joint Commissioner,
HR & CE (Admn),
Madurai.

+1 CC to M/s.GP (SR-21929[F] dated 11/11/2020)

+1 CC to M/s.J. ANANDHAVALLI, Advocate (SR-21868[F] dated
11/11/2020)

W.P. (MD)No.15861 of 2020

and

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PM(CO)

TR(30.11.2020) 4P 5C