



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.15885 of 2019

and

W.M.P. (MD)Nos.12606 and 12607 of 2019

WEB COPY

V.Paramanadham

... Petitioner

Vs.

1.The Joint Commissioner,
H.R. & C.E. Department,
Madurai.

2.T.Mani.

3.V.Balakrishnan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned notice in O.A.07/2019/E1 dated 24.06.2019 on the file of the first respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.R.Murugaraj,
Additional Govt. Pleader for R1
Mr.T.Lenin Kumar for R2

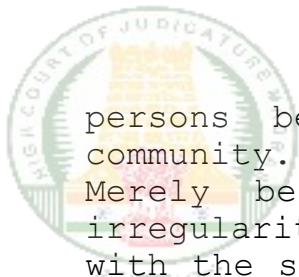
O R D E R

Heard the learned counsel on either side.

2.Arulmigu Santha Kula Somya Narayana Kavara Samuthaya Kattalai is an endowment established by the people belonging to the said community. The Kattalai has properties at Palani and Srivilliputur and it is being run out of the rental income derived from the said properties. A scheme was framed for its administration vide order dated 16.04.1941 in O.A.No.336 of 1939. It was modified vide order dated 25.04.1986 in O.A.No.43 of 1984. The endowment is managed by a three member trust board. In the year 2017, three persons including one Balakrishnan were elected. It is alleged that the said Balakrishnan had indulged in certain acts of misappropriation. The board was dissolved and a fit person was appointed. Simultaneously, the Joint Commissioner, Hindu Religious and Charitable Endowment Department, Madurai, initiated the impugned *suo motu* action for cancelling the scheme itself.

3.As rightly contended by the learned counsel appearing for the petitioner, the endowment was established and administered by the

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persons belonging to Santha Kula Somya Narayana Kavara Naidu community. This has been the position for more than a century. Merely because a particular individual had committed certain irregularities, it would not be fair to paint the entire community with the same brush. Section 64(5) of Tamilnadu Hindu and Religious Endowment Act no doubt enables the Joint Commissioner or Deputy Commissioner as the case may be, to modify or cancel any scheme, after consulting the trustee and the persons having interest. But such a power cannot be lightly exercised. I am of the view that no cause of action had really arisen for exercising such an extraordinary power. In fact, the learned Additional Government Pleader appearing for the first respondent indicated that further action pursuant to the impugned order is not proposed to be taken.

4.In that view of the matter, the impugned notice stands quashed. The writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// 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

The Joint Commissioner,
H.R. & C.E. Department,
Madurai

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-15376[F]
dated 31/08/2020)

+1 CC to M/s.GP (SR-15512[F] dated 01/09/2020)

W.P. (MD)No.15885 of 2019

28.08.2020

(3/4)

SCR(CO)

AP(25/09/2020) 2P 4C

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