



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.19210 of 2020
(Through Video Conference)

WEB COPY

M.Arumugam

... Petitioner

Vs

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

2.The Fit Person,
Arulmighu Santhagula Sowmiya Narayana
Gowraya Kattalai, Palani

3.The Executive Officer,
Arulmighu Gopinathar Swamy Thirukovil
Reddiar Chathiram, Dindigul West Taluk.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to approve the petitioner as one of the Trustees of the second respondent Kattalai in consideration of the petitioner's representation dated 07.12.2020 and in exercise of the power of the first respondent under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act.

For Petitioner : Mr.G.Prabhu Rajadurai

For R-1 : Mr.K.P.Narayanakumar
Special Government Pleader

For RR 2-3 : Mr.A.K.Baskarapandian
Standing Counsel

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to approve the petitioner as one of the Trustees of the second respondent Kattalai in consideration of the petitioner's representation dated 07.12.2020 and in exercise of his power under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act (hereinafter referred to as the Act).

2. Mr.K.P.Narayanakumar, learned Special Government Pleader accepts notice for the first respondent and Mr.A.K.Baskarapandian, learned standing counsel accepts notice for the respondents 2 & 3. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.



3. It is the case of the petitioner that his nomination to the Board of Trustees for the Arulmighu Santhagula Sowmiya Narayana Gowraya Kattalai, Palani was rejected for a minor irregularity, which according to the petitioner, is rectifiable. Therefore, the petitioner has submitted his objections on the same date i.e. on 03.12.2020 to the second respondent. The second respondent has also forwarded the said objection of the first respondent. It is also the case of the petitioner that recommendations were also sent to the first respondent to consider the case of the petitioner on 14.12.2020. However, according to the petitioner, till date, no final orders have been passed by the first respondent. In such circumstances, this writ petition has been filed.

4. The relief sought for in this writ petition is an innocuous relief. No prejudice will be caused to the respondents if the representation of the petitioner dated 07.12.2020 is considered by them on merits and in accordance with law.

5. Heard Mr.G.Prabhu Rajadurai, learned counsel for the petitioner and Mr.K.P.Narayanakumar, learned Special Government Pleader for the first respondent and Mr.A.K.Baskarapandian, learned standing counsel for the respondents 2 & 3.

6. It is the case of the petitioner that the rejection of his nomination to the Board of Trustees for the subject Kattalai was due to some minor irregularities like, not putting signatures in certain places in the form. According to him, it is a rectifiable mistake and it is also his case that recommendations have been sent by the second respondent to the first respondent to consider the case of the petitioner.

7. For the foregoing reasons, this Court directs the first respondent to consider the representation of the petitioner dated 07.12.2020 seeking nomination as one of the Trustees to the Arulmighu Santhagula Sowmiya Narayana Gowraya Kattalai, Palani and pass final orders on merits and in accordance with law, after affording sufficient opportunity to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

8. With the aforementioned directions, the writ petition stands disposed of. No costs.

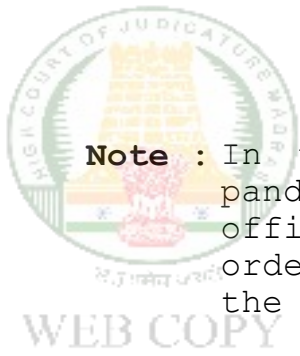
Sd/-

Assistant Registrar(CS-III)

// 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:

The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Madurai.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-26988[F] dated
23/12/2020)

Order made in
W.P. (MD) No.19210 of 2020
Dated: **23.12.2020**

ss (CO)
TR(30.12.2020) 3P 3C