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W.P.(MD)No.8011 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.8011 of 2017

R.Nedunchezeyan

...Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Mayiladuthurai.

3.R.Sulekhini,
W/o.N.V.Sreenivasan,
Hereditary Trustee,
Sri Arulmighu Meenakshi Sundareswarar Temple,
No.25/13, Bakthapuri Street,
Kumbakonam - 612 001.

...Respondents

[R.3 is impleaded as party respondent vide order of this Court, dated 09.07.2020 made in W.M.P(MD) No.17820 of 2017 in W.P(MD)No.8011 of 2017.]

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to dispose of the revision, dated 21.09.2016 filed as against the appointment of the third respondent as Hereditary Trustee to Sri Arulmighu Meenakshi Sundareswarar Temple, Bakthapuri Street, Kumbakonam, Thanjavur District, received by the first respondent on 23.09.2016 filed under Section 69 of the Hindu Religious and Charitable Endowment Act on merits and in accordance with law within the time frame fixed by this Court.

For Petitioner : Mr.P.Pandiaraj

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader for R.1 and R.2
Mr.T.Antony Arulraj for R.3



ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The petitioner claims to be the Secretary of Arulmigu Meenakshi Sundareswarer Bhakth Jana Saba, Bakthapuri Street, Kumbakonam Town, Thanjavur District and challenging the appointment of Smt.R.Sulekhini W/o.N.V.Srinivasan as the hereditary trustee of the said temple, he filed a revision before the first respondent and despite lapse of three years, the same is pending and therefore, he came forward to file this Writ Petition for the early disposal of the revision.

2.The Writ Petition was listed for admission on 04.07.2020 and on that day on behalf of the hereditary trusty W.M.P.(MD) No.17280 of 2017 was filed to implead her and it was also ordered and therefore, the hereditary trustee is arrayed as the third respondent.

3.The learned counsel appearing for the third respondent would submit that the petitioner has filed a suit in O.S. No.267 of 2017 on the file of the Principal Subordinate Court, Kumbakonam to declare him as hereditary trustee and also for consequential relief and the filing of the said suit has been totally burked in the affidavit filed in support of the writ petition.

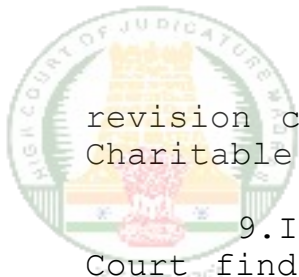
4.The learned Special Government Pleader appearing for the official respondents would submit that the so called revision is only in the nature of the representation and the said revision also did not satisfy the statutory norms as to the filing and entertainment of the revision and as such the prayer sought in the Writ Petition is not maintainable.

5.In response, the learned counsel appearing for the petitioner would submit that the suit filed by the petitioner relates to formation of a scheme and at no point of time, he sought to act as a hereditary trustee of the temple.

6.This Court considered the rival submissions and perused the materials placed before it.

7.It is well settled position of law that it is not for the petitioner to choose and state the facts relating to the affairs of the temple and is bound to state the same in the affidavit filed in support of the writ petition and admittedly the petitioner did not state as to the filing of the said suit.

8.Be that as it may, a perusal of the so called revision filed by the petitioner, which is available at page No.15 of the typed set of papers, would disclose that it is merely a representation submitted by Arulmigu Meenakshi Sundareswarer Bhakth Jana Saba and it does not satisfy the requirements of the statutory



revision contemplated under Section 21 of the Hindu Religious and Charitable Endowments Act, 1959.

9. In the light of the above facts and circumstances, this Court finds no merits in the Writ Petition and therefore, the same is dismissed. No costs.

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Sd/-

Assistant Registrar (crl.side)

// True Copy //

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Sub Assistant Registrar(CS)

sj

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 Endowment,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Mayiladuthurai.

W.P. (MD) No. 8011 of 2017
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KB(23.07.2020) 3P 3C