

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2021

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition No.3119 of 2021
and WMP No.3539 of 2021

Sree Ayyappan Bhajana Sabha
rep. By its President,
D.Jayaramdoss

...Petitioner

Vs

- 1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
Nungambakkam High road,
Chennai - 600 034.
- 2.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Dr.Balasundaram Salai, Coimbatore - 641 018.
- 3.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Dr.Balasundaram Salai, Coimbatore - 641 018.
- 4.The Fit Person,
Sree Ayyappan Temple,
Jail Hill, Udhagamandalam Town and Taluk,
The Nilgiris, Office at The Executive Officer,
A/m Anchaneyar Temple,
Udhagamandalam Town and Taluk,
The Nilgiris.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings of the 3rd respondent dated 14.08.2020 in Nada.Na.Ka.1918/2015/A6 and also consequential orders passed thereon in pursuance of the above said order dated 14.08.2020.

For Petitioner : Mr.V.S.Usha Rani

For Respondents : Mr.M.Karthikeyan
Special Government Pleader
HR & CE

O R D E R

Mr.M.Karthikeyan, learned Special Government Pleader accepts notice for the respondents and is armed with instructions to proceed with the matter finally even at the stage of admission. Hence this matter is disposed by consent expressed by both learned counsel.

2. The petitioner challenges order dated 14.08.2020 appointing a Fit Person for 14 Temples, including the petitioner, Sree Ayyappan Temple, Jail Hill, Udhagamandalam Town and Taluk, The Nilgiris, (in short 'temple'), at Serial No.6 thereof, on the ground that there is no justification for appointing a Fit Person as the existing trustees are managing the Temple, since 1959 in the capacity of Nadaimurai Nirvagigal.

3. The petitioner is not a listed temple and thus, in terms of Section 49 of the Hindu Religious and Charitable Endowments Act, 1959 (in short 'Act'), the Joint Commissioner is entitled to call for applications for appointment of fit persons to manage the temple. The impugned order appointing a fit person has however, admittedly, been passed in gross violation of the principles of natural justice, and also insofar as the constitution of the Board and the guidelines set out for appointment of trustees is not seen to have been complied with. The impugned order, thus, has to go.

4. Be that as it may, the petitioner has filed an application under Section 64(1) of the Act seeking settlement of a Scheme of administration and management of the Temple inter alia including for the appointment of trustees. This application has been numbered as O.A. No.17 of 2020 and Mr.Karthikeyan states that the petitioner will be heard along with any other parties deemed necessary, and orders passed on the application including on the aspect of appointment of trustees, within a period of three months from today. This submission is recorded.

5. In the light of the aforesaid, this writ petition is allowed and the impugned order set aside. The present members, who are in administration and management of the Temple, will continue to function till such time the Scheme is framed and Board of Trustees appointed to administer the temple. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

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To

1.The Commissioner,
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Chennai - 600 034.

2.The Joint Commissioner,
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3.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Dr.Balasundaram Salai, Coimbatore - 641 018.

4.The Fit Person,
Sree Ayyappan Temple,
Jail Hill, Udhagamandalam Town and Taluk,
The Nilgiris, Office at The Executive Officer,
A/m Anchaneyar Temple,
Udhagamandalam Town and Taluk,
The Nilgiris.

+1cc to M/s.V.S.Usha Rani, Advocate SR.9015
+1cc to the Spl.Govt.Pleader(HR&CE) SR.9023

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AJS (CO)

CB(09/03/2021)

सत्यमेव जयते

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