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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition No.18906 of 2013
and M.P.No.1 of 2013

N.Venkataraman

...Petitioner

Vs

1. The Joint Commissioner,
Hindu Religious Charitable Endowment Department,
Coimbatore Division,
Office of the Joint Commissioner,
Coimbatore.
2. The Assistant Commissioner,
Hindu Religious Charitable Endowment Department,
Tirupur Division, Tirupur District - 04.
3. The Thakkar,
Sripura Setram Tiruppur Tirupathi
Sri Boomi Neela Sri Alarmel Mangai Gotha Devi
Samethar Sri Venkatesa Perumal Koil,
Tirupur Nagar, Tirupur.
Also the Executive Officer,
A/m Angalamman Temple, Muthanampalayam,
Tirupur Circle.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari calling for the entire records pertaining to the impugned order 28.06.2013 made in SE.Mu.Na.Ka.No.3659/2012/A2 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.V.Srikanth

For Respondents : Mr.N.R.R.Arun Natarajan
Government Advocate - R1 & R2

Ms.V.S.Usha Rani - R3



O R D E R

Heard Mr.V.Srikanth, learned counsel for the petitioner, Mr.N.R.R.Arun Natarajan, learned Government Advocate for the official respondents/R1 and R2 and Ms.V.S.Usha Rani, learned counsel for the Thakkar, Sripura Setram Tiruppur Tirupathi, Sri Boomi Neela Sri Alarmel Mangai Gotha Devi Samethar Sri Venkatesa Perumal Koil, Tirupur Nagar, Tirupur/R3 (temple/temple in question).

2. The challenge in this Writ Petition is to an order dated 28.06.2013 appointing the third respondent as Thakkar for the management of the temple. In the meantime, the petitioner has filed O.A.No.3 as early as in 2009 in terms of Section 63(a) of the Hindu Religious and Charitable Endowments Act, 1959 (in short 'Act') seeking a direction to the effect that the temple in question is not a 'religious institution' as defined under the provisions of the Act. An order has come to be passed on 24.05.2017, pending this Writ Petition, wherein the Joint Commissioner, Hindu Religious and Charitable Endowments Department (HR & CE), arrayed as R1, allows the application holding that the temple in question is not a public religious institution within the meaning of Sections 6(18) and 6(20) of Act 22 of 1959.

3. With the passing of the aforesaid order, the appointment of Thakkar can be sustained no longer and is quashed. This Writ Petition is allowed. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

s1

To

1. The Joint Commissioner,
Hindu Religious Charitable Endowment Department,
Coimbatore Division,
Office of the Joint Commissioner,
Coimbatore.



2. The Assistant Commissioner,
Hindu Religious Charitable Endowment Department,
Tirupur Division, Tirupur District - 04.

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+1CC to Mr.V.Srikanth, Advocate, Sr.No.41015

+1CC to the Government Pleader, High Court, Madras, Sr.No.40558

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GP (CO)

K.RK. (02.09.2021)