

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2021

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. Nos.8059 of 2021 & 13187 of 2020
and WMP Nos.8609 & 8607 of 2021

P.Panchalai .. Petitioner in W.P. No.8059 of 2021

P.Ayyappan ... Petitioner in W.P. No.13187 of 2020

Vs.

1. The Commissioner
Hindu Religious and Charitable
Endowments, 119 Uthamar Gandhi Salai,
Thousand Lights West.
Nungambakkam, Chennai-34.
2. The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable and Endowments,
Villupuram- 605 602.
3. The Assistant Commissiioner,
Office of the Assistant Commisisoner,
Hindu Religious and Charitable and Endowments,
Villupuram- 605 602.
4. The Inspector, Hindu Religous
and Charitable Endowments, Uludurpet,
Villupuram District.

... Respondents 1 to 4 in both WPs

- 5 The Executive Officer,
Hindu Religous and Charitable Endowments,
Office at Arulmigu Perumal Thirukoil,
Kallakurichi

.. 5th respondent in W.P. No.13187 of 2020

6. The Executive Officer Office,
at A/M Angala Amman Thirukoil,
Kallakurichi.

.. 5th respondent in W.P. No.8059 of 2021

Prayer in W.P. No.8059 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorari to call for the records of the 2nd Respondent in SE.MU.NA.KA.NO 9209/2018/E2 dated on 12.12.2018 and quash the same consequently direct the first Respondent to dispose of the Petitioners application dated 24.2.2021.

Prayer in W.P. No.13187 of 2020 : Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus to direct the 2nd Respondent to consider the Petitioners representation dated 16.2.2019 to nominate the Petitioner as Hereditary Trustee at the Sri Angalaprameswari Amman Temple situated at chithalur village kallakurichi Taluk and District.

For Petitioners : Mr.Kanmani Annamalai
in W.P. No.8059 of 2021
Mr.M.Saravanakumar
in W.P. No.13187 of 2020

For Respondents : Mr.M.Karthikeyan,
Special Government Pleader in both WPs

C O M M O N O R D E R

Mr.M.Karthikeyan, learned Special Government Pleader accepts notice for the respondents including the Executive Officer of Arulmigu Angala Amman Thirukoil (in short 'Temple') and is armed with instructions, though orally, that would assist him in making submissions for final disposal of W.P.No.8059 of 2021. Hence with the consent of both the learned counsel for the petitioner and the learned Special Government Pleader for the respondents, W.P.No.8059 of 2021 is taken up for final disposal even at the stage of admission.

2. Since one Mr.P.Ayyappan, son of the petitioner in W.P.No.8059 of 2021 has filed W.P.No.13187 of 2020 seeking to consider his representation for nomination as hereditary trustee in the temple, that writ petition is also listed today under a special list and is disposed by way of this common order.

3. For the sake of convenience, petitioner in W.P.No.8059 of 2021 is referred to as 'Panchalai' and the petitioner in W.P.No.13187 of 2020 is referred to as 'Ayyappan'.

4. The challenge in W.P.No.8059 of 2021 is to an order dated 12.12.2018 passed by the Joint Commissioner/R2 removing Panchalai from her position as a hereditary trustee in the Temple. Admittedly, Panchalai, second wife of the erstwhile Trustee, was appointed as hereditary trustee in the temple in the year 1992. The appointment was made with the consent of the

first wife and other legal heirs. While this is so, there appears to have been a complaint in the year 2018, based on which, even without affording an opportunity to Panchalai, she has come to be removed from the post.

5. The aforesaid narration of facts is based on the submissions of Mr.Karthikeyan, on oral instructions received by him. He would thus fairly state that to the minimum Panchalai ought to have been heard prior to the impugned order being passed.

6. Be that as it may, after passing of the impugned order, P.Ayyappan, has filed a representation before the Joint Commissioner on 16.02.2019, for which an acknowledgement of receipt is placed on file, seeking appointment to the post of the Hereditary Trustee. No action has been taken on this representation, leading Ayyappan to file another representation on 16.08.2020 and Panchalai to file an application before the Commissioner/R1 on 24.02.2021 seeking setting aside of the order of the Joint Commissioner dated 12.12.2018 and thereafter this Writ Petition.

7. In the light of the narration of facts as aforesaid, it would suffice that the impugned order dated 12.12.2018 be set aside on the ground of violation of principles of natural justice. The Commissioner/R1 is directed to dispose the application/representation of Panchalai dated 24.02.2021 along with representation of P.Ayyappan dated 16.08.2020. Let this exercise be completed within a period of six (6) weeks from today after hearing the petitioners.

8. These Writ Petitions are disposed in the aforesaid terms. No costs. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

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To

1. The Commissioner
Hindu Religious and Charitable
Endowments, 119 Uthamar Gandhi Salai,
Thousand Lights West.
Nungambakkam, Chennai-34.

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2. The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable and Endowments,
Villupuram- 605 602.
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Office at Arulmigu Perumal Thirukoil,
Kallakurichi.
6. The Executive Officer Office,
at A/M Angala Amman Thirukoil,
Kallakurichi.

+2cc to Mr.M.Sarvana Kumar, Advocate, S.R.No.21152.

+1cc to the Government Pleader, S.R.No.600104.

W.P. Nos.8059 of 2021 & 13187 of 2020
and WMP Nos.8609 & 8607 of 2021

EV(CO)
CSR 28.04.2021

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