

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.05.2021

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

REVIEW APPLN. (WRIT) No.78 of 2021

and

WMP. No.12283 of 2021

against

WP. No.9143 of 2020

N. Loganathan

...Petitioner

Vs.

1.S.Subramani

2.P.Nachimuthu

3.P.Muthuswamy

...Respondents/Petitioners

4.The Joint Commissioner,
Hindu Religious and & Charitable Endowment Department,
Salem – 636 001

5.The Assistant Commissioner,
Hindu Religious and & Charitable Endowment Department,
Salem – 636 001

6.The Fit Person/E.O.,
ArulmiguVaradharaja Temple,
Orukamalai, Sangakiri Taluk,

Salem District

.... Respondents/Respondents

Prayer: Review Application filed under Order 47, Rules 1 & 2 read with Section 114 of C.P.C. to review the final order passed by this Court in W.P. No.9143 of 2020 on 02.02.2021 and to allow the revision petition.

For Petitioners : Ms.V.S.Usha Rani

For Respondents: Mr.John Raja Singh,

Government Advocate for R4 & 5

Mr.A.K.Sriram for R6

ORDER

This application is preferred seeking to review an order passed by me on 02.02.2021. The writ petition has been filed by three petitioners challenging order dated 20.03.2020 passed by the Assistant Commissioner, HR&CE Department/R5 appointing a fit person/R3 for the Arulmigu Varadharaja Temple, Orukamalai, Sangakiri Taluk, Salem District ('temple') and seeking a quash of the same as well of the consequential notice issued by the fit person, for handing over charge of the temple.

2. The writ petitioner was disposed based on the scheme framed in O.A.No.16 of 2001 on 28.08.2007 and gazetted on 09.02.2008 providing for administration of the temple. Clause 4 of the gazetted scheme provided for the procedure to be followed in

the matter of conduct of election for non-hereditary trustees and thus I had proceeded to direct that the process be commenced immediately and had set out a time frame in that regard. I am informed today that the process is on-going.

3. The present review petition is filed raising the following issues:

(i) The petitioner would state that the call for advertisements for non-hereditary trustees is restricted only to persons from the Kongu Vellalar community whereas the temple has, as a matter of convention, been including members of various other communities as non-hereditary trustees, over the years. Thus, the review petitioner would urge that the call for applications include all persons, and not be restricted to persons from Kongu Vellalar community.

(ii) An application for modification of the scheme has been filed by the review petitioner on 18.09.2020 in O.A.No.15/2020 and notice has been issued by the authorities in that regard. The process of enquiry of that application is said to be on-going.

(iii) Learned counsel for the petitioner would state that there is gross mismanagement in the affairs of the temple which has what had led to the appointment of the fit person to begin with.

4. The information as regards the inclusion of persons of other communities as non-hereditary trustees has obtained by the petitioner from a response to an application filed under RTI. It is correct that persons from the Mudaliyar and Nadar community have served as non-hereditary trustees. However those appointments were made on 13.04.1987 and 17.07.1998 long prior to the framing of the scheme on 10.12.2007, gazetted on 09.02.2008. Thus, post framing of the scheme, the inclusion of members of other communities would not be possible as it would be contrary to the provisions of the scheme, as it stands today.

5. The allegations in regard to mismanagement are not relevant and are misconceived seeing as the proposed elections are intended only to put in place trustees for proper management of the temple. Moreover, the petitioner is himself from the Kongu Vellalar community and thus cannot be said to be prejudiced in any manner by the order sought to be reviewed. This is not a public interest litigation where the rights and interest of other communities are to be canvassed. It is open to all members of the Kongu Vellalar community including the present petitioner to respond to the call for appointment of hereditary trustees, take part in the management of the temple and to prevent mismanagement as alleged.

6. The purpose of a review petition is to correct errors apparent on the face of the record. In the present case, no errors, much less apparent errors have been pointed out and no case whatsoever has been made to review order dated 02.02.2021. This review application is dismissed and connected M.P. closed. No costs.

7. The process of election shall continue and be completed as expeditiously and smoothly as possible, in any event within three months from today, bearing in mind the present circumstances and the standard operating procedures that have been issued by the State and the other authorities.

8. As far as the pending application for amendment is concerned, the same shall be heard and disposed in accordance with law after hearing the parties concerned.

19.05.2021

ska/rkp

Internet: Yes/No

Index: Yes/No

Speaking Order/Non Speaking Order

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DR.ANITA SUMANTH.J.,

ska/rkp

To

- 1.The Joint Commissioner,
Hindu Religious and & Charitable Endowment Department,
Salem – 636 001
- 2.The Assistant Commissioner,
Hindu Religious and & Charitable Endowment Department,
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- 3.The Fit Person/E.O,
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