



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. NO.3054 OF 2014

AND

M.P. NOS.1 & 2 OF 2014

R.Arjunan

...Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments
Board, Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments
Board, Villupuram.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Board, Thiruvannamalai.

4.The Inspector,
Hindu Religious and Charitable Endowments
Department, Chengam, Thiruvannamalai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorari to call for the records in Proceedings in Na.Ka.No.2192/2013/E1 dated 19.08.2013 on the file of the 3rd respondent and consequential Na.Ka.No.20/2014 dated 25.01.2014 on the file of the 4th respondent and quash the same.

For Petitioner : Mr.K.Rajarajan

For Respondents : Mr.NRR.Arun Natarajan
Government Advocate

O R D E R

Heard Mr.K.Rajarajan, learned counsel for the petitioner and Mr.NRR.Arun Natarajan, learned Government Advocate for the respondents.



2. The petitioner has instituted this writ petition challenging an order passed by the Assistant Commissioner/R3 dated 25.01.2014 appointing a fit person in the Arulmighu Sri Pillayar, Dharmaraja and Mariamman Ammachaar Temples, Kannakurukai Village, Thiruvannamalai District.

3. Though the impugned notice has been challenged on various grounds, learned counsel for the petitioner would pursue seriously the argument that the parameters of Section 49 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (in short 'Act') have not been satisfied in this case and there is absolutely no justification set forth for the appointment of the fit person. The order itself, does not cite any instances of mal-administration or mis-management to warrant appointment of the fit person.

4. No counter has been filed in this matter, despite sufficient opportunity having been granted and hence the averments, as aforesaid are taken to be uncontroverted. Though the overall supervision of Temples vests in the State, such temples as are being properly managed by Trustees/Boards/members of the Community, must continue to be so managed without interference of the State. Intervention by the State in management of temples is not automatic and has to be justified citing acceptable reasons such as mis-management/mal-administration of the temple/and its assets/properties. Even thereafter notice must be issued to the allegedly delinquent management and only after hearing them must a decision be taken in this matter.

5. That apart, the petitioner states that his father had claimed the status of hereditary trustee, that had been originally rejected. The matter was carried in appeal in A.S. No.885 of 2006 and by order dated 20.09.2011, Mr.Justice.A.Arumughaswamy, reversed the original decision holding the petitioner's father to be entitled to the post of hereditary trustee of the temples in question.

6. Though the respondents orally maintained that the above matter in regard to the petitioner's entitlement to hereditary trusteeship had not attained finality and had been carried in appeal, both Mr.Rajarajan and Mr.Arun Natarajan confirm today, after verification of the records and based upon instructions received from the respective parties that order dated 20.09.2011 has indeed attained finality.

7. After passing of the appeal order, the petitioner had sought the handing over of the administration of the temple to him and since the respondents had not responded positively, their inaction came to be challenged in W.P. No.25448 of 2012. The said Writ Petition came to be allowed on 12.06.2012, by



WEB C

10. Mr.Rajarajan today conveys the categoric wishes of the petitioner to the effect that he is willing and, in fact, eager to administer and manage the temple. In light of the discussion as above, the impugned orders are set aside and this writ petition is allowed. Connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

rkp

To

1. The Commissioner,
Hindu Religious and Charitable Endowments
Board, Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments
Board, Villupuram.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Board, Thiruvannamalai.
4. The Inspector,
Hindu Religious and Charitable Endowments
Department, Chengam, Thiruvannamalai.

+1cc to Mr.K.Rajarajan, Advocate, S.R.No.34243

+1cc to the Government Pleader, S.R.No.34384

W.P. No.3054 of 2014

PCH(CO)
RLP(01/11/2021)