

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2021

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition No.4862 of 2014
and M.P.No.2 of 2014 and WMP No.3710 of 2021

Arulmighu Thirupurasundari Sametha
Thirupuranthagaswamy Temple
represented by Fit Person (Thakkar)
Mr.M.Dillibabu
S/o Mani Mudaliyar
Kondancherri Village and Post,
Perumbakkam Via,
Thiruvallur Taluk & District - 631 402

(substituted vide order dated
22.12.2020 in W.P.No.4862 of 2014)

... Petitioner

Vs

- 1 The Commissioner
Hindu Religious and Endowment Board
Nungambakkam, Chennai - 600 004.
2. The Joint Commissioner
Hindu Religious and Endowment Board
Nungambakkam, Chennai - 600 004.
3. Assistant Commissioner
Hindu Religious and Endowment Board
Thiruvallur.

.. Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to Writ of Certiorarified Mandamus to call for the records of Na.Ka.No.0452/2014/A1 dated 31.01.2014 on the file of the first respondent and thereby quash the same as illegal and further direct the second respondent to constitute the Board of the Arulmighu Thirupurasundari Sametha Thirupuranthagaswamy Temple.

For Petitioner	:	Mr.V.Raghavachari
For Respondents	:	Mr.R.P.Prathap Singh Government Advocate

O R D E R

Though W.M.P.No.3710 of 2021 seeks permission to operate the bank account of the Arulmighu Thirupurasundari Sametha Thirupuranthagaswamy Temple (temple), I find no necessity to order the same at this juncture.

2. Upon hearing the submissions of both sides, I am of the view that this matter can be disposed finally, particularly the matter is hanging fire since 2014 and the issue involved is short. Mr.Raghavachari, learned counsel for the petitioner and Mr.R.P.Prathap Singh, learned Government Advocate for the respondents would concur on the position that the impugned order only seeks to bring into operation an interim arrangement for an appointment of an Executive Officer to manage the temple on account of the vacancy caused in the post of hereditary trustee. In fact, according to the learned counsel for the petitioner, the temple is being managed by a sole trustee, though this appears contrary to the scheme that is placed at page 1 of the typed set, providing for a Board of Trustees of not less than three and not more than five Trustees to be constituted by the competent authority.

3. In such circumstances, let this be regularised at the earliest. I am given to understand that the temple is in possession of a register of eligible trustees of the Thondai Mandala Kondal Katti Vellala Mudaliar community residing in six villages of Kumaracheri, Kondagancheri, Pillayarkuppam, Elancherri and Keelacheri in Thiruvellore Taluk, Chengai Anna District.

4. Though the scheme is titled 'draft scheme', I am given to understand that the management of the temple is in terms of the scheme since 1991 and no modification or subsequent scheme is brought to my knowledge. Point No.2 of the scheme states as follows:

2.The administration of Arulmigh Thirupurasundari Sametha Thirupuranthaswamy Temple, Koovam village Thiruvellore taluk, Chengai Anna District and its properties both movable and immovable which belong to or have been or hereafter be given dedicated or endowed thereto or acquired for the temple, shall vest in a board of trustees not less than three and not exceeding five to be constituted by the competent authority in accordance with the provisions of the Tamil Nadu H.R. & C.E. Act 22 of 1959, from among the persons of Thondaimandala Kondal Katti Vellala

Mudaliar community residing in 6 villages of Kumaracheri, Kondagancheri, Pillayarkuppam, Elancherri and Keelacheri in Thiruvellore Taluk, Chengai Anna District, subject to their being qualified for such appointment under the provisions of the Act and with an Executive officer appointed by the Commissioner, HR&CE Admin. Dept under section 45(1) of the Act 22 of 1999.'

5. There is a direction to R1, the Commissioner to commence the process of constitution of Board of Trustees from among the register of eligible persons in line with clause 2 of the scheme extracted above and constitute a Committee within a period of six (6) weeks from today. Till such time, the management of the temple including the operation of the bank account will continue to be by Mr.M.Dillibabu, who has stepped into the shoes of the erstwhile Trustee A.Shanmuga Mudaliar.

6. Since the impugned order dated 31.01.2014 has been passed in violation of the principles of natural justice and also appears to be factually incorrect, insofar as there were admittedly no vacancy and the temple continues to be managed by a sole hereditary trustee, the same is set aside.

7. The Writ Petition is disposed in the aforesaid terms. No costs. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Commissioner
Hindu Religious and Endowment Board
Nungambakkam, Chennai - 600 004.
2. The Joint Commissioner
Hindu Religious and Endowment Board
Nungambakkam, Chennai - 600 004.

3. Assistant Commissioner
Hindu Religious and Endowment Board
Thiruvallur.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.22134

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PCH (CO)

KM(29/04/2021)



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