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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2021

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

WRIT PETITION NO.9946 OF 2014

AND

M.P.NO.2 OF 2014

Sri Balasubramania Swamy Sath Sangam
rep. by its President
C.R.Narasimhan

...Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

3.The Executive Officer,
Arulmighu Ranganathaperumal Thirukoil,
Thiruneermalai, Chennai - 600 044.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari calling for the records pertaining to the order dated 09.09.2011 made in Se.Mu.Na.Ka.No.45452/2011/A2 on the file of the Commissioner, Hindu Religious and Charitable Endowments Department, Uthamar Gandhi Salai, Nungambakkam, Chennai - 600 034, the first respondent herein and quash the same.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.N.R.R.Arun Natarajan
Government Advocate - R1 & R2
Mr.Wilson Topaz
for M/s.A.S.Kailasam Associates - R3

O R D E R

The petitioner is the Sri Balasubramania Swamy Sath Sangam, ('Sangam') located at Kumaran Kundram, Chrompet, Chennai. The



petitioner is a registered society and had filed an Original Application in O.A.No.100 of 1981 seeking settlement of a Scheme in regard to the administration of the Arulmighu Balasubramania Swamy Temple, Kumarankundram, Chrompet, Madras - 44 (temple/temple in question).

2. The Scheme was published in the Gazette on 03.08.1989 and provides for the constitution of a Board of Trustees by the competent authority under the Hindu Religious and Charitable Endowments Act, 1959 (in short 'Act'). Such constitution would have to be from among the persons sponsored by the petitioner Sangam subject to they being qualified otherwise under the provisions of the Act and relevant regulations.

3. The Executive Officer of the Arulmighu Ranganathaperumal Thirukoil, Thiruneermalai, Chennai was appointed as Fit Person to hold additional charge for the temple in question vide impugned order dated 09.09.2011 for the reason that there was a time gap between the date on which the tenure of the earlier Board ended and the new Board was appointed, and in order to ensure continuity in the management of the temple.

4. When the matter had come up for admission on 07.04.2014, an order of interim stay was granted for a period of four weeks that was extended for a period of six weeks on 24.06.2014. There appears to be no extension thereafter. However, the admitted position is that the Trustees who were subsequently appointed have been permitted to continue in management and continue presently in the management of the temple.

5. I had sought the present status as well as the status in regard to the management of the temple over the years till date, and a memo dated 12.08.2021 has been filed, setting out the details of appointment of the Board of Trustees till date. The tenure of the Board constituted on 17.12.2009 expired on 12.01.2012. Under letter dated 08.04.2014 five individuals were sponsored by the Sangam and appointed to constitute the committee by the authority under the Act.

6. Thereafter, there appears to have been no sponsorship of individuals afresh by the Sangam, as the same Board was re-nominated for two subsequent terms. Upon the demise of two trustees on 14.04.2021, five individuals have been sponsored, anew on 14.04.2021, but no orders of appointment have been passed by the Joint Commissioner upon the request of the Sangam till date.

7. The individuals sponsored under communication dated 14.04.2021 are stated to be in office presently and the Department also appears to have acquiesced to the position that the management is being carried on by the individuals nominated



by the Sangam in a proper manner. Let the present Committee be in management for an entire term of office.

8. The challenge to order dated 09.09.2011 was belated to begin with as this Writ Petition has been filed only on 03.04.2014, is infructuous as on date. This Writ Petition is thus closed as infructuous. No costs. Connected Miscellaneous Petition is closed.

9. As an aside, the sponsorship of candidates for the trustee by the Sangam and constitution of committee by the Department are both fraught with delay. Henceforth the Sangam must sponsor the proposal for trustees at least two months prior to the expiry of the term of the Committee in force and the Joint Commissioner must pass orders constituting the incoming Committee at least a month prior to expiry of the tenure of the Committee in force.

Sd/-

Assistant Registrar (CS-V)

// True Copy //

Sub Assistant Registrar

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To

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

3.The Executive Officer,
Arulmighu Ranganathaperumal Thirukoil,
Thiruneermalai, Chennai - 600 044.

+1cc to M/s.A.S.Kailasam & Associates, Advocate SR.No.40914

+1cc to M/s.A.V.Arun, Advocate SR.No.40191

+1cc to the Government Pleader SR.No.40557

Writ Petition No.9946 of 2014
and M.P.No.2 of 2014

JP-II(CO)
RVM(23/09/2021)