

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.18423 of 2019
and
WMP.No.17753 of 2019

Govindan @ Aaramuthan Bhattachariar,
S/o. Krishnamurthy Battachariar,
Hereditary Trustee,
Arulmigu Lakshminarayana Perumal Temple,
Valavanur,
Villupuram Taluk & District. ...Petitioner

Vs

1. State of TamilNadu,
Rep. by Secretary to Government,
Department of Tourism, Culture and Religious Endowment,
Secretariat, Fort St. George, Chennai-600 009.
2. The Commissioner,
Hindu Religious & Charitable Endowment Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai.
3. The Joint Commissioner,
Department of Hindu Religious & Charitable Endowment,
Villupuram.
4. The Inspector,
Hindu Religious & Charitable Endowment Department,
Villupuram.
5. M/s.Arulmighu Sree Jagannatheswarar,
Sri Lakshmi Narayana Perumal Temple,
Baktha Jana Sabha Trust,
Rep. by its Managing Trustee,
R.Rajagopalan,
No.11-A, West Agraharam,
Valavanur, Villupuram District.
6. The Executive Officer,
Arulmighu Sree Jagannatheswarar, Sri Lakshmi Narayana
Perumal Temple, Valavanur, Villupuram District.

7.Govindarajan ...Respondents

(R6 & R7 suo-motu impleaded vide order dated
19.01.2021 made in WP.18423/2019)
<https://hcservices.ecourts.gov.in/hcservices/>

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records Impugned order of the 1st Respondent herein in G.O.MS.No.60 Tourism, Culture and Religious Department dated 30.05.2019 followed by the consequential impugned order dated 17.06.2019 made by the 3rd Respondent herein in his proceedings in Se.Mu.Na.Ka.No.5839/2019 E2 and quash the same and consequently direct the Respondent 1 to 4 herein to recognize the Petitioner herein as Hereditary trustee of the Arulmigu Lakshmi Narayana Perumal Temple, Valavanur, Villupuram District.

For Petitioner : Mr.Abdul Majeed

For Respondents : Mr.M.Karthikeyan (for R1 to R4)
Special Government Pleader
Mr.Ashok Kumar (for R5)
R6 & R7 - Service awaited

O R D E R

Heard Mr.Abdul Majeed, learned counsel for the petitioner, Mr.M.Karthikeyan, learned Special Government Pleader for R1 to R4 and Mr.Ashok Kumar, learned counsel for R5/Trust.

2.The challenge is to an order passed by the Secretary to Government, Department of Tourism, Culture and Religious Endowments/R1 in terms of Section 114 of the Hindu Religious and Charitable Endowments Act, 1959 (in short 'Act'). At the time of admission on 02.07.2019, P.D.Audikesavalu,J has passed the following order:

'Mr.M.Maharaja, Learned Special Government Pleader takes notice for the First to Fourth Respondents.

2. Notice to the Fifth Respondent returnable by 16.08.2019. Private notice is also permitted.

3. The operative portion of the impugned order dated 30.05.2019, reads as follows:-

"14. The Government have examined the revision petition filed by Thiru. R.Rajagopalan under Section 114 of the Hindu Religious and Charitable Endowments Act, 1959, carefully and independently with connected records. For the reasons stated in para 10, 11 and 13 above, the revision petition is allowed. The Government direct that;

(i) the orders passed by the Commissioner, Hindu Religious and Charitable Endowments Department, in R.P.No.31/2015/D2 dated 10.07.2018 is set aside.

(ii) the Commissioner, Hindu Religious and Endowments Department is directed to make detailed enquiry on the allegations against Thiru. Govindan, as mentioned in Joint Commissioner, Villupuram proceeding No.338/203/E2 dated 11.01.2013 and on the complaints of the village people; and

(iii) the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Villupuram is directed to appoint a Fit Person to perform the functions of the trustee till a hereditary trustee is appointed."

Having regard to the facts of the present case, though it would not be appropriate to grant stay of all further proceedings pursuant to the impugned order as sought by the Petitioner, it is made clear that any decision adverse to the Petitioner as an ultimate outcome of the enquiry under clause (ii) of paragraph 14 of that order shall not be taken by the Respondents without the prior permission of this Court until further orders. Further, the Petitioner may perform regular poojas in the Temple within the time limit that may be fixed in advance by the Fit Person on his request for the same without affecting the dharshan for the visiting public and other devotees of the Temple.

Post the matter on 16.08.2019.'

3.I am informed today that the enquiry as directed above has culminated in an order passed by the Commissioner on 09.12.2020. With this, the challenge in the present writ petition becomes infructuous and this writ petition is dismissed as such. Suffice it to say, that the parties before me are at liberty to challenge order dated 09.12.2020, in a manner known to law. Connected miscellaneous petition is closed. No costs.

s/d-
Assistant Registrar (CS VI)

// True Copy//

Sub-Assistant Registrar

To

1. The Secretary to Government, State of Tamilnadu,
Department of Tourism, Culture and Religious Endowment,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Commissioner,
Hindu Religious & Charitable Endowment Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai.
3. The Joint Commissioner,
Department of Hindu Religious & Charitable Endowment,
Villupuram.
4. The Inspector,
Hindu Religious & Charitable Endowment Department,
Villupuram.

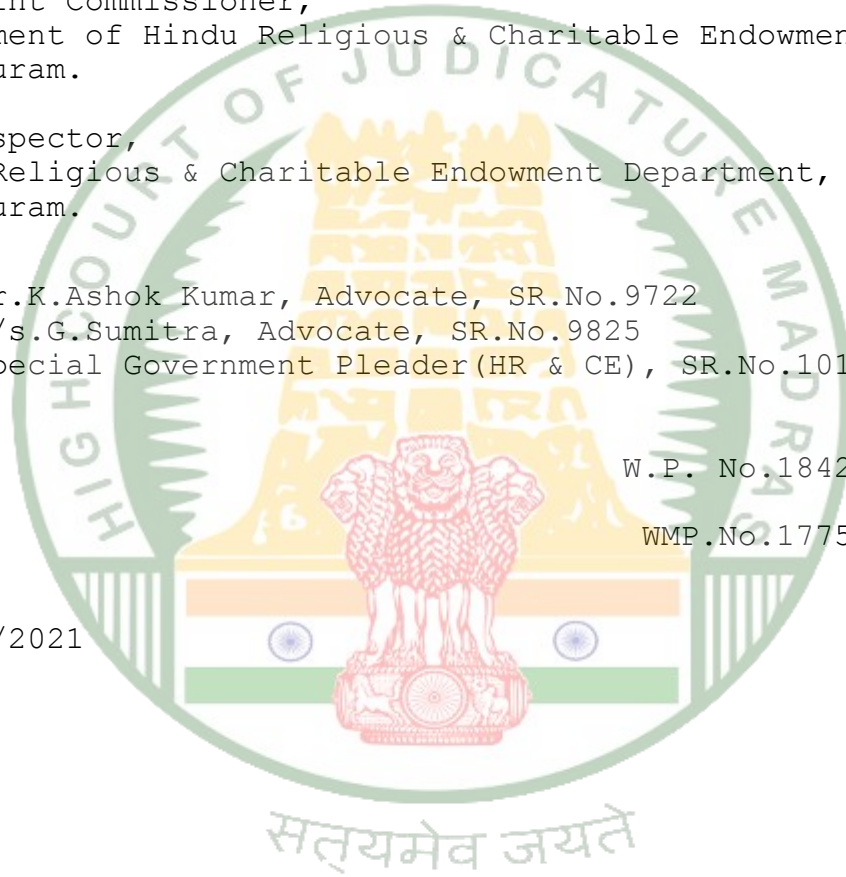
+1cc to Mr.K.Ashok Kumar, Advocate, SR.No.9722

+1cc to M/s.G.Sumitra, Advocate, SR.No.9825

+1cc to Special Government Pleader(HR & CE), SR.No.10174

W.P. No.18423 of 2019
and
WMP.No.17753 of 2019

PM(CO)
KKV/09/03/2021



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