



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.12583 OF 2014 &
MP.NOS.1 & 2 OF 2014

A.G.Sundarrajan
S/o Late A.R.Gopinath,
Manager, Sri Veera Anjaneyar Swamy Temple,
Sri Vyasaraaja Mutt,
Branch at Coimbatore
No.871, Range Gowder Street,
Coimbatore 641 001.

... Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Endowments Department,
Coimbatore District.
2. The Executive Officer,
Arulmigu Lakshmi Narasimma Swamy Thirukoil,
South Ukkadam,
Coimbatore 641 001.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the entire records relating to the impugned proceedings of the first respondent in his Proceedings No.Se.Mu.Na.Ka.No.3846/2011/A4, Dated 12.11.2013 and served on the petitioner only on 16.04.2014 and the proceedings of the second respondent in his proceedings No.Nil, dated 21.04.2014 and quash the said impugned proceedings of the first and second respondent dated 12.11.2013 and 21.04.2014.

For Petitioner : Mr.Sudhakar
For Mr.V.P.Karthikeyan

For Respondents : Mr.NRR.Arun Natarajan
Government Advocate



O R D E R

The challenge is to proceedings dated 21.04.2014 in terms of which Sri Veera Anjaneyar Swamy Temple, which is part of the Sri Vyasaraja Mutt at Coimbatore, has been taken over by the HR&CE Department and a fit person appointed in terms of the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Act).

2. Having heard Mr.Sudakar, learned counsel for the petitioner and Mr.N.R.R.Arun Natarajan, learned Government Advocate for the respondents, I am of the view that the procedure followed by the respondents in this case is not in consonance with either the statutory provisions or the principles of natural justice.

3. The petitioner claims to be a branch of the Vyasaraja Mutt located at Karnataka. The Mutt in Coimbatore contains an idol of Sri Anjaneyar Swamy as well as two Brindavanams, one on the right of the dedicated to Sri Vyasaraja and one on the left to Sri Raghavendra. Other branches of the Mutt are at Chennai, Kumbakonam, Salem and Srirangam.

4. An attempt appears to have been made even earlier by the HR&CE Department to take over the administration of the Mutt and a revision petition was filed in R.P.No.19 of 1990 by one Y.S.Ranganatha Rao, questioning notice dated 20.03.1990 issued by the Assistant Commissioner. The proceedings concluded in favour of the Mutt, the Commissioner holding that the various branches of the Vyasaraja Mutt did not answer to the definitions under the Act and did not come within its purview. The proceedings were thus, withdrawn. Reference has also been made in paragraph-6 of the affidavit filed in support of the writ petition to O.A.Nos.184 to 187 of 1949 (order dated 24.04.1949) declaring the branches of the Mutt in Tamilnadu to be out of the purview of the 1959 Act.

5. While this is so, an order was passed on 12.11.2013, signed on 21.03.2014 and served on the petitioner on 16.04.2014, alleging that the Mutt has not complied with various provisions under the Act. In reply, the petitioner has, vide letter dated 02.06.2013, stated that the Mutt would not come within the purview of the Act. Thereafter, the devotees of the Mutt also appeared before the authorities on 04.10.2013 setting out the entire history of the Mutt and bringing to the notice of the Department that it would not come within the purview of the Act.

6. The impugned order dated 21.04.2014 is a short and cryptic order, appointing a fit person under Section 47 on the basis that the Mutt comes within the purview of the Act. There



is absolutely no discussion in relation to how the department is entitled to take over the administration of the running Mutt. Both the petitioner as well as other devotees of the Mutt have set out in detail the history of the Mutt as well as earlier proceedings that have concluded in favour of the petitioner to the effect that it would not come within the purview of the Act. None of these proceedings have even been adverted to, let alone distinguished.

7. The petitioner also does not appear to have been heard in person prior to appointing the fit person. In such circumstances, I am of the view that proper procedure has not been followed by the respondents. The impugned order is vitiated by lack of adherence to the principles of natural justice and the same is set aside. This writ petition is allowed. Connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Joint Commissioner,
Hindu Religious and Endowments Department,
Coimbatore District.
2. The Executive Officer,
Arulmigu Lakshmi Narasimma Swamy Thirukoil,
South Ukkadam,
Coimbatore 641 001.

+1cc to the Special Government Pleader(HR & CE), S.R.No.32248

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VSN-II(CO)
PBS/02/08/2021