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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2021

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THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.NO.20760 OF 2021

AND

W.M.P.NO.22020 OF 2021

Arulmigu Vinayagar Mariamman Thirukkoilgal,
Dadagapatti, Salem-6,
Represented by it's President and Hereditary
Trusteeship S.Jagadeeswaran,
S/o. Sengoda Gounder,
residing at No.189/151,
Mettu Street, Dadagapatti,
Salem-6.

... Petitioner

-Vs.-

1. The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Nungambakkam High Road,
Chennai 600 034.
2. The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Salem.
3. The Deputy Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Salem.
4. The Assistant Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Salem.
5. The Executive Officer/Thakkar,
Arulmigu Vinayagar and Mariyamman Temple,
Dadagapatti, Salem Taluk and District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of
India praying to issue a Writ of Mandamus, forbearing the 4th



respondent from reconstituting the board of trustees of Arulmigu Vinayagar and Mariyamman Thirukkoilgal, Dadagapatti Village, Salem Taluk and District in supersession of existing board of trustees by strictly adhering to the statutory scheme framed by the 3rd respondent vide O.A.No.80/1983 B1 dated 30.12.1986, in the light of pendency of Statutory appeal No.1/2020 before the 2nd respondent.

For Petitioner : Mr.D.Murthy

For Respondents : Mr.NRR.Arun Natarajan
Government Advocate

O R D E R

Mr.D.Murthy, learned counsel on record for writ petitioner is before this Virtual Court.

2. Captioned writ petition and writ miscellaneous petition therein are in the Admission Board.

3. The temples which go by the name 'Arulmighu Vinayagar and Mariyamman Thirukkoilgal in Salem Taluk, Salem District' [hereinafter 'said temple' for the sake of convenience and clarity] is the subject matter of captioned writ petition. Learned counsel submits that the said temple is governed by a scheme framed inter-alia under Section 64 of 'The Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act No.22 of 1959)' [hereinafter 'TN HR&CE Act' for the sake of convenience and clarity] vide O.A.No.80/1983 in and by proceedings dated 30.12.1986.

4. The prayer is sweeping and expansive, besides being sweeping and expansive, the prayer is in the realm of surmises and conjectures as the writ petitioner is apprehensive that the fourth respondent will reconstitute the Board of Trustees qua said temple in supersession of existing Board of Trustees without adhering to the aforementioned scheme. There is absolutely no material to support this apprehension.

5. Be that as it may, faced with the above situation, learned counsel for writ petitioner submitted that a Fit person has been appointed for said temple by an 'order dated 03.08.2020 bearing reference br/K/e/f/vz;/2177-2018/M2' [hereinafter 'impugned order' for the sake of convenience and clarity] made by the fourth respondent.

6. Assailing the impugned order, the writ petitioner has filed a statutory revision under Section 21A of TN HR&CE Act and



the same is Appeal Case No.1 of 2020 dated 31.08.2020 on the file of second respondent. This Court is informed that this revision is pending. Learned counsel submits that under the residuary limb of the prayer, it will suffice if there is a directive to second respondent to dispose of this statutory revision within a time frame. In other words, the prayer is abridged.

7. In the light of the abridged prayer, captioned Writ Petition is disposed of with a simple directive to second respondent to dispose of Appeal Case No.1 of 2020 (assailing the impugned order made by the fourth respondent) on its own merits and in accordance with law as expeditiously as the business of second respondent would permit and in any event within four weeks from today i.e., on or before 26.10.2021.

8. Though obvious, for the purpose of specificity, it is made clear that this Court has not expressed any view on the merits of the matter and all questions including questions raised in the captioned writ petition are left open (if any arise before second respondent). Consequently, connected miscellaneous petition is also disposed of as closed. There shall be no order as to costs.

Sd/-
Assistant Registrar

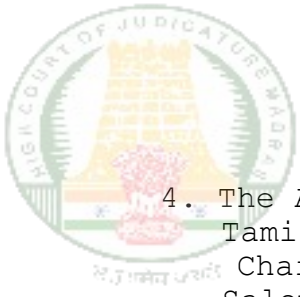
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Sub Assistant Registrar

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To

1. The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Nungambakkam High Road,
Chennai 600 034.
2. The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Salem.
3. The Deputy Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Salem.



4. The Assistant Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Salem.

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5. The Executive Officer/Thakkar,
Arulmigu Vinayagar and Mariyamman Temple,
Dadagapatti, Salem Taluk and District.

+lcc to Mr.KPM.Shankar, Advocate, S.R.No.50311

W.P.No.20760 of 2021
and
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PMK (CO)
PM/12/10/2021