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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. No.1861 of 2014 and
MP.No.1 of 2014

1. N.Muruganandham
 2. N.Senthil Kumar
- ...Petitioners

Vs

1. The Joint Commissioner,
Hindu Religious Charitable
Endowment (Admn) Department,
Coimbatore Division,
Office of the Joint Commissioner,
Coimbatore.
 2. The Assistant Commissioner,
Hindu Religious Charitable
Endowment Department,
Tiruppur Division,
Tiruppur District.
 3. The Fit Person,
A/m. Mariamman Temple, Jallipatti,
Having office at the Executive Officer,
A/m. Subramania Samy Temple,
Pollachi.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned common order dated 25.09.2013 made in Na.Da.Na.Ka.No.4012/2006 issued by the 2nd respondent and to quash the same and consequently forbera the 2nd respondent from appointing the 3rd respondent herein as Thakkar @ Fit person for the A/m. Mariamman Temple, Jallipatti, Pollachi which is arrayed as 16th Temple in the above said impugned common order.



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

For Respondents: Mr.N.R.R.Arun Natarajan,
Government Advocate - R1 and R2
No appearance - R3

O R D E R

Heard Mr.Sudhakar, learned counsel appearing for Mr.V.P.Karthikeyan, learned counsel for the petitioner and Mr.N.R.R.Arun Natarajan, learned Government Advocate for R1 and R2. There is no appearance for the Fit Person/R3.

2. The Hindu Religious and Charitable Endowments Department (HR&CE) has appointed a Fit Person, being the Executive Officer of the Arulmighu Subramania Samy Temple, Pollachi for the Arulmighu Mariamman Temple, Jallipatti (temple/temple in question) by order dated 25.09.2013 and this order has come to be challenged in the present Writ Petition.

3. The challenge is on the ground that the two petitioners, viz., N.Muruganandham and N.Senthil Kumar, sons of SP.N.Natarajan, are managing the temple as its hereditary trustees-cum-poojaris and there is no reason to disturb this position.

4. In brief, their submissions are that the temple in question is situated on lands for which patta was granted under the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963. It was the petitioners' family who had participated in the settlement enquiry and the temple had been represented by one Ramandi, an ancestor of the petitioners herein. From that time onwards, the forefathers and ancestors of the petitioners have been managing the temple, had obtained electricity service connection, managing the lands belonging to the temple, paid the kists and carried out all actions in the interests of the temple.

5. The name of Ramandi, who is the common ancestor of the petitioners is said to find place in the Register of Inams. He had one son, by name, Karuppanandi and himself, and thereafter his issues were managing the affairs of the temple. One of his issues, Palaniandi had two wives, viz., Mottaiammal @ Valuppoorammal and Valliammal. The petitioners' father SP.N. Natarajan was adopted by the said Palaniandi and according to the petitioner, he inherited all the benefits required for the management of the temple through a Will in his favour.



Subsequently, there was a family arrangement, as per which, the affairs of the Vinayagar Temple at Kampalapatti were handed over to one limb of the family and the management of the temple in question were handed over to the family of Peria Nachiandi.

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6. The above facts are not admitted by the respondents in their counter and the respondents put the petitioners to strict proof of genealogy and succession under which the petitioners claim rights. However, one admitted position is that the petitioners have filed an Original Application seeking declaration of their rights as hereditary trustees and this has been numbered as O.A.No.9 of 2014, admittedly pending on the file of the Joint Commissioner, HR & CE Department/R1 till date.

7. The main dispute raised by the learned counsel for R1 and R2 is that the rights of the petitioners as hereditary trustees-cum-poojaris are yet undecided and until their rights have been so declared, the petitioners cannot claim any right in the management of the temple.

8. That may be so. However, the petitioners' application has been pending for the last 7 years and the grievance of the parties can be addressed and resolved by disposing the same expeditiously. This is all the more for the reason that the impugned order is an order appointing Fit Persons for 19 temples in common. There is really no allegation of mismanagement in the impugned order in respect of any of the temples, barring the bald allegation that daily rituals are not conducted in the temple, for which there is no evidence or supporting material brought on record. In fact the petitioners would strongly object to the allegation and maintain that they have not only been regular in carrying out daily rituals, but also managing the affairs of the temple meticulously.

9. Though the interim order dated 20.03.2014 is limited to a period of four weeks and has not been extended thereafter, status quo as on that date has not been disturbed by the HR & CE Department even after expiry of the same and it is the petitioners who are admittedly in management of the temple till date.

10. In view of the fact that Section 54 of the Hindu Religious and Charitable Endowments Act, 1959 (Act) requires examination and declaration of the hereditary rights claimed by an individual, let the Original Application pending since 2014 be disposed expeditiously. For this purpose, the petitioners will appear before the first respondent on Tuesday, the 17th day of August, 2021 at 10.30. a.m. without anticipating any further notice in this regard and the Original Application shall be



disposed after hearing the petitioners in accordance with law, within a period of four (4) weeks thereafter.

11. This Writ Petition is disposed with no order as to costs. Connected Miscellaneous Petition is closed.

12. List the matter for reporting compliance on 20.09.2021.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Commissioner,
Hindu Religious Charitable Endowment (Admn) Department,
Coimbatore Division,
Office of the Joint Commissioner,
Coimbatore.
2. The Assistant Commissioner,
Hindu Religious Charitable Endowment Department,
Tiruppur Division, Tiruppur District.
3. The Fit Person,
A/m. Mariamman Temple, Jallipatti,
Having office at the Executive Officer,
A/m. Subramania Samy Temple, Pollachi.

Copy To :

The Section Officer,
Writ Section,
High Court, Madras - 104.

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RR(CO)

RGA(16/08/2021)