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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.20607 of 2021

and

W.M.P.No.21868 of 2021

J.Shankar

S/o.Late.K.Jeevanandam

...Petitioner

-Vs.-

1. The Commissioner  
Hindu Religious and Charitable Endowment Board  
Uthamar Gandhi Salai  
Nungambakkam, Chennai 600 034.
2. The Joint Commissioner  
Hindu Religious and Charitable Endowment Board  
Uthamar Gandhi Salai  
Nungambakkam, Chennai 600 034.
3. The Executive Officer  
Arulmighu Seniamman Temple  
Korukkupet, Chennai 600 021.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents herein to appoint the petitioner herein as Hereditary Trustee of Sri Arulmighu Siddhi Ganesar Nataraja Perumal Durgalakshmi Devasthanam, situated at No.8, Manali Chinnaiah Mudali Garden, Second Street, Old Washermanpet, Chennai 600 021 in the place of his father Late K.Jeevanandam immediately.

For Petitioner : Mr.V.K.Rajagopalan

For Respondent : Mr.NRR.Arun Natarajan,  
Government Advocate



## O R D E R

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

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2. Captioned writ petition pertains to a Temples which go by the name 'Sri Nataraja Perumal, Durgai Lakshmi Amman etc., Temples' at No.8, Manali Chinniah Mudali Garden, 2nd Street, T.H.Road, Madras-21 [hereinafter 'said Temple' for the sake of brevity, convenience and clarity]

3. The point involved in captioned writ petition is short, simple and straight forward.

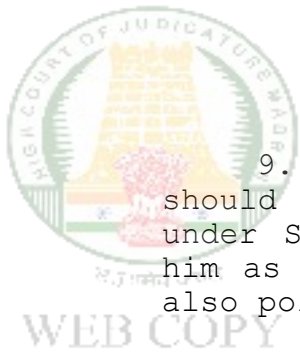
4. Mr.V.K.Rajagopalan, learned counsel for writ petitioner submits that the writ petitioner's father Late K.Jeevanandham was Hereditary Trustee of said Temple, having been so recorded in and by an order dated 21.11.1992 made by the then Jurisdictional Deputy Commissioner of 'Tamil Nadu Hindu Religious and Charitable Endowments Department' [hereinafter 'TN HR&CE Department' for the sake of convenience and clarity] vide MP No.9 of 1990. Learned counsel submits that writ petitioner's father Late K.Jeevanandham died on 03.12.2020 (Death Certificate is enclosed as part of typed set of papers).

5. Learned counsel submits that post demise of writ petitioner's father, the writ petitioner sent a representation dated 05.08.2021 to the three respondents with a request to 'appoint' him as a Hereditary Trustee of said Temple.

6. Mr.NRR.Arun Natarajan, learned State counsel, accepts notice on behalf of all the three respondents and with the consent of learned counsel on both sides, main writ petition is taken up.

7. Ideally, the writ petitioner should have placed before this Court the order made under Section 63(b) 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 brevity, convenience and clarity], which would demonstrate that the Trusteeship of the office of said Temple is Hereditary but that has not been done.

8. However, from the aforementioned order of erstwhile Deputy Commissioner, it comes to light that the writ petitioner's father and writ petitioner's grand-father were co-petitioners, there was a dispute between half brothers and ultimately, after one had given up the rights in favour of the other, writ petitioner's father was 'recorded' as Hereditary Trustee of said Temple as mentioned supra.



9. Learned State counsel submits that the writ petitioner should have approached the Jurisdictional Joint Commissioner under Section 54(1) of TN HR&CE Act, with a prayer to record him as Hereditary Trustee of said Temple. Learned State counsel also points out that the succession is not automatic.

10. Faced with the above situation, learned counsel for writ petitioner submitted that he will approach the Jurisdictional Joint Commissioner under Section 54(1) of TN HR&CE Act by way of an application/petition with a suitable prayer and the captioned writ petition can be disposed of as closed, preserving the rights of the writ petitioner to go before the Jurisdictional Joint Commissioner in this manner. This request is acceded to.

11. If the writ petitioner chooses to go before the Jurisdictional Joint Commissioner by way of a petition/application under Section 54(1) of TN HR&CE Act qua said Temple for recording the writ petitioner as Hereditary Trustee, the same shall be dealt with on its own merits and in accordance with law by the Jurisdictional Joint Commissioner.

12. To be noted, the narrative in the writ affidavit shows that the writ petitioner has a sister and therefore, the writ petitioner is not the lone legal heir, but in the light of request which the learned counsel for writ petitioner has made, I refrain myself from expressing any opinion or view on this aspect of the matter.

13. Writ Petition is disposed of as closed preserving the rights of writ petitioner in the aforesaid manner. Consequently, writ miscellaneous petition is also disposed of as closed. There shall be no order as to costs.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mk/nsa

To

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



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

3. The Executive Officer  
Arulmighu Seniamman Temple  
Korukkupet, Chennai 600 021.

+1cc to the Government Pleader, S.R.No.49900

+1cc to M/s.V.K.Rajagopalan, Advocate, S.R.No.49692

W.P.No.20607 of 2021  
and  
W.M.P.No.21868 of 2021

PL(CO)  
RGA(11/10/2021)