

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. Nos.19250 & 19254 of 2020 and  
WMP.Nos.23840 & 23843 of 2020

- 1.S.Subramanian
- 2.S.Kalyamoorthy
- 3.R.Kaliyamurthy
- 4.S.Kannappan
- 5.K.Nagarajan

...Petitioners in both WPs

Vs.

- 1.The Commissioner,  
Hindu Religious and Charitable Endowments,  
No.119, Uttamar Gandhi Salai,  
Nungambakkam, Chennai-34.
- 2.The Joint Commissioner,  
Hindu Religious and Charitable Endowments Board,  
Mayiladuthurai.
- 3.The Assistant Commissioner,  
Hindu Religious and Charitable Endowments,  
Kumbakonam Taluk, Thanjavur District.
- 4.The Fit Person / Executive Officer,  
Arulmighu Thenupureeswarar Thenupureeswarar,  
Pateswaram Village,  
Kumbakonam Taluk, Thanjavur District ...Respondents in both WPs

Prayer in WP.No.19250 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari, to call for the records relating to the impugned order passed by Second Respondent appointing fit person for the temple in Na.Ka.No.2480/2019/E2 dated 05.12.2019 and quash the same as illegal, arbitrary and non-est in law.

Prayer in WP.No.19254 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, to call for the records of impugned order passed by Second Respondent in Na.Ka.No.2480/2019/E2 dated 05.12.2019 and quash the same as illegal, arbitrary and non-est

in law and consequently, permit the petitioners to perform their duties and functions as hereditary trustee of the temple.

(In both WPs)

For Petitioners : Mr.B.Vijay

For Respondents : Mr.M.Karthikeyan  
Special Government Pleader

#### COMMON ORDER

The prayer in WP.No.19250 of 2020 is for a quash of order passed by the 2<sup>nd</sup> respondent i.e. Joint Commissioner, HR&CE Department dated 05.12.2019 appointing a fit person for the Arulmigu Thenupureeswarar Temple, Pateswaram Village, Thanjavur. It was earlier recorded by me on 17.12.2020 that the appointment of a fit person became necessary by virtue of the suspension of the hereditary trustees on various charges leveled as against them. On their suspension, the son of the suspended first petitioner had sought appointment as hereditary trustee in his place. I had on 17.12.2020 directed that his application for appointment be enquired into and today, order dated 15.02.2021 is circulated under cover of compliance report dated 15.02.2021 (filed on 18.02.2021) to the effect that the application has been accepted and the son, Mr.S.Alex Kumar has been appointed as hereditary trustee. With this, the appointment of a fit person has to go. WP.No.19250 of 2020 is allowed and impugned order dated 05.12.2019 appointing fit person stands quashed.

2.As regards WP.No.19254 of 2020 challenging order dated 05.12.2019 suspending the petitioners, leave is sought to challenge the same by way of statutory appeals in terms of Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (in short 'Act'). This challenge would be academic seeing as the petitioners cannot be now reinstated. However, the petitioners perhaps wish to clear themselves of charges leveled as against them and secure their reputation in the community.

3. The petitioners were asked to explain the delay in approaching this Court, seeing as the impugned order is dated 05.12.2019 and the present writ petition has been filed only on 02.12.2020, after a gap of nearly one year from the passing of the impugned order. They plead ill-health and medical certificate is filed in support of the explanation.

4.Mr.Karthikeyan does not object to the Court permitting the petitioners to approach the Commissioner in terms of Section 21 of the Act. Thus the petitioners are permitted to file revision petitions challenging order of suspension dated

05.12.2019 solely for the purpose of securing their reputation and clearing themselves of the charges leveled as against them. Such revision applications, if filed within two weeks from today, shall be taken on file by the office of the Commissioner without reference to limitation and shall be disposed after hearing the petitioners within a period of six (6) weeks from the date of receipt thereof. W.P.No.19254 of 2020 is disposed in the aforesaid terms. Connected miscellaneous petitions are closed. No costs.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

vs  
To

- 1.The Commissioner,  
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No.119, Uttamar Gandhi Salai,  
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- 4.The Fit Person / Executive Officer,  
Arulmighu Thenupureeswarar Thenupureeswarar,  
Pateswaram Village,  
Kumbakonam Taluk, Thanjavur District.

+3 Ccs to Mr.B. Vijay, advocate sr 22288.

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PCH(CO)  
SP(18/05/2021)