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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

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THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P. No. 27324 of 2021

and

W.M.P. No. 28831 of 2021

1. R.Venkatesan
2. R.Nagarajan
Operating Administrators,
Arulmighu Erakondarayaswamy Temple,
Viruthasampatti, Kuttapatti Village,
Mettur Taluk,
Salem District - 636 453.

... Petitioners

-Vs-

1. The Commissioner,
The Tamil Nadu Hindu Religious and Endowment Board,
119, Uthamar Gandhi Road,
Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
The Tamil Nadu Hindu Religious and Endowment Department,
Kottai Mariyamman Koil Campus,
Salem - 636 001.
3. The Assistant Commissioner,
The Tamil Nadu Hindu Religious and Endowment Department,
Kottai Mariyamman Koil Campus,
Salem - 636 001.
4. The Executive Officer,
The Tamil Nadu Hindu Religious and Endowment Department,
Arulmighu Pathrakali Amman Temple,
Mecheri, Mettur Taluk,
Salem District - 636 454.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the second respondent to consider and dispose the petitions in M.P. Nos. 6 and 4 of 2009 respectively filed under Section 54(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 on merits and consequently, appoint us as the Hereditary Trustees of the Sri Erakondaraya Swamy Temple, Vrithasampatti, H/O Kuttapatti Village, Mettur Taluk, Salem District within the stipulated time.



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For Petitioners : Mr.R.Balaguru Swamy

For Respondent : Mr.T.Chandraseakran
Special Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the second respondent to consider and dispose the petitions in M.P. Nos. 6 and 4 of 2009 respectively filed under Section 54(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 on merits and consequently, appoint the petitioners as the Hereditary Trustees of the Sri Erakondaraya Swamy Temple, Vrithasampatti, Kuttapatti Village, Mettur Taluk, Salem District within the stipulated time.

2. The petitioners claimed that, their fathers were the Hereditary Trustees of a Temple called 'Sri Erakondaraya Swamy Temple', Vrithasampatti, H/O Kuttapatti Village, Mettur Taluk, Salem District and after the death of their fathers, the petitioners want to be recognized them to be the Hereditary Trustees of the Temple. Therefore, they have filed an application in this regard by way of Miscellaneous Petitions in M.P. Nos. 6 and 4 of 2009 before the Joint Commissioner of H.R&C.E., Salem, i.e., second respondent under Section 54(1) of the H.R&C.E., Act. However, the said Miscellaneous Petitions filed by the petitioners are yet to be decided and still these applications are pending. Therefore, in order to dispose the said applications on merits, the petitioners have moved this Writ Petition with the aforesaid prayer.

3. Heard Mr.T.Chandraseakran, learned Special Government Pleader appearing for the respondents who on instructions, would submit that, the father of the petitioners died and after several years, these petitions were filed by the petitioners only in 2009. Therefore, absolutely, there is no right for the petitioners to seek claim of the Hereditary Trustees. Anyhow, the applications filed by the petitioners if not already been disposed of, the same would be considered and disposed of on merits within a time frame that may be stipulated by this Court.

4. Considering the limited scope of the prayer sought for herein and having considered the said submission made by the learned counsel appearing for both sides, this Court is inclined to dispose of this Writ Petition with the following orders:

"that there shall be a direction to the second respondent to pass orders on the Miscellaneous Petitions, i.e., M.P. Nos. 6 and 4 of 2009 in respect of the matter which relates to Arulmighu



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Erakondaraya Swamy Temple, Vrithasampatti, Kuttapatti Village, Mettur Taluk, Salem District in the year 2009 in the matter of R.Venkatesan and R.Nagarajan, the petitioners herein under Section 54(1) of the H.R.&C.E., Act and pass orders thereon on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order."

5. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vji
To

1. The Commissioner,
The Tamil Nadu Hindu Religious and Endowment Board,
119, Uthamar Gandhi Road,
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Chennai - 600 034.
2. The Joint Commissioner,
The Tamil Nadu Hindu Religious and Endowment Department,
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The Tamil Nadu Hindu Religious and Endowment Department,
Arulmighu Pathrakali Amman Temple,
Mecheri, Mettur Taluk,
Salem District - 636 454.

+1 cc to Mr.R.Balaguru Swamy, Advocate Sr.NO. 69266

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PA(CO)

A.SK(20.01.2022)