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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASWAMY

W.P.No. 30378 of 2017
and
W.M.P.No.5391 of 2018

M.Chidambaram

... Petitioner

-vs-

1.The District Collector
Kancheepuram District,
Kancheepuram - 631 501.

2.The Joint Director,
Hindu Religious and Charitable Endowment Department
Sathuvatchari,
Vellore-9.

3.The Inspector
Hindu Religious and Charitable Endowment Department
Uthirmerur,
Kancheepuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents 1 and 2 to appoint a trustees in transparent manner from and out of persons who were living at Mela Street, Ayyampettai, Kancheepuram District to the Arulmighu Kailasanathar & Sandaveli Amman Thirukoil, Mela Street, Ayyampettai, Kancheepuram District as per the scheme and accordance with law.

For Petitioner : Mr.V.Manoharan

For Respondents : Mr.M.Shahjahan
Special Government Pleader for R1
Mr.S.Yashwanth
Additional Government Pleader
for R2 and R3



O R D E R

This Writ Petition has been filed, seeking for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to appoint a trustees in transparent manner from and out of persons who were living at Mela Street, Ayyampettai, Kancheepuram District to the Arulmighu Kailasanathar & Sandaveli Amman Thirukoil, Mela Street, Ayyampettai, Kancheepuram District as per the scheme and accordance with law.

2. According to the petitioner, Arulmighu Kailasanathar & Sandaveli Amman Thirukoil, is a temple under the control of HR & CE Department, the 2nd respondent herein and the department has not appointed the trustees as per the procedure, but simply nominated some persons of their choice as trustees. Since, the respondents have not appointed the trustees, a Civil Suit was filed before the District Munsiff Court, Kancheepuram, which was also decreed, as against which an appeal preferred by the HR & CE Department also came to be dismissed. Therefore, the appointment of the trustees has to be made as per the decree.

3. However, the respondents have not taken any initiative to appoint new trustees, in such circumstances, the petitioner has made a representation dated 04.10.2017 to the respondents seeking to appoint a new trustees as per the scheme envisaged in the decree. Since, no action was forthcoming, the petitioner has come forward with the present Writ Petition.

4. Mr.V.Manoharan, learned counsel for the petitioner submits that the petitioner's family has been living in a village where the temple is situated for the past 60 years and the petitioner is eligible to make application for an appointment as trustees, as per the scheme decree and however, there was no response from the respondents. It is not in dispute that the appointment of trustees will be made by the respondents 2 and 3 in pursuant to the scheme decree passed in O.S.No.425 of 1988 and it is for the authorities to consider and appoint a new trustees.

5. A counter affidavit has been filed on behalf of the 1st respondent denying the averments made in the present Writ Petition and it is stated that the 2nd and 3rd respondents have issued notification dated 08.12.2017 for the appointment of trustees. As per the said notification, the respondents 2 and 3 have invited applications from all the eligible persons for the appointment of trustees and such applications should be made on or before 25.12.2017. It is further stated that Ex-trustees recommended persons have not furnished any supporting documents as required by the 3rd respondent and the petitioner has filed this Writ Petition only to drag on the appointment of trustees. Therefore, the 1st respondent has sought for



dismissal of the Writ Petition.

6. Heard the learned counsel for the petitioner and the respondents and perused the entire materials available on record.

7. The petitioner has come forward with the present Writ Petition, seeking direction to the respondents 1 and 2 herein to appoint the trustees in a transparent manner from out of persons, who are living at Mela Street, Ayyampettai, Kancheepuram District. However, as seen from the counter affidavit filed by the 1st respondent, already the respondents 2 and 3 have taken steps to appoint the trustees to the temple and a notification was also issued and it was affixed in the temple wall on 16.12.2017, inviting applications from the eligible candidates. Therefore, when the respondents have taken initiative to appoint the trustees to the temple, the petitioner has come forward with the present Writ Petition, which in the opinion of this Court, cannot be entertained. Further, keeping this Writ Petition pending will only stall the process of the appointment of the trustees to the temple. In such circumstances, this Court is of the view, that no orders are required to pass in the present Writ Petition. Since, the respondents 2 and 3 have already initiated the process for appointment of trustees. Pursuant to the notification, everyone is entitled to make application including the petitioner also and if the petitioner is found eligible, the petitioner can also make an application, as per the notification.

8. Accordingly, this Writ Petition is disposed of directing the respondents to appoint the trustees to the temple pursuant to the notification dated 08.12.2017 and finalise the same, if already not finalised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

jd/rap

To

1.The District Collector,
Kancheepuram District,
Kancheepuram - 631 501.

2.The Joint Director,
Hindu Religious and Charitable Endowment Department,
Sathuvatchari, Vellore-9.



3.The Inspector,
Hindu Religious and Charitable Endowment Department,
Uthirmerur,
Kancheepuram District.

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+1cc to Mr.V.Manoharan, Advocate SR. No.65722
+1cc to Government Pleader SR. No.66145, 66328

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and
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MT (CO)
PR (15/02/2022)