



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD)Nos.2833 and 4437 of 2009

and

M.P. (MD)Nos.1, 1, 2, 2 and 3 of 2009. 1 and 1 of 2010

and

CONT.P. (MD)Nos.518 of 2009 and 225 of 2010

W.P. (MD)No.2833 of 2009:-

Ramasamy ... Petitioner

vs.

1.The Commissioner of Hindu
Religious and Charitable Endowments Board,
Chennai.

2.The Joint Commissioner of Hindu Religious
and Charitable Endowment Board,
Amma Mandapa Salai, Tiruchirappalli.

3.V.K.Murugiah ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, call for the records of the second respondent pursuant to the impugned proceedings in Na.Ka.No.9381/08/B4, dated 23.03.2009 and quash the same and consequently direct the 2nd respondent to dispose the petitioner's representation dated 10.07.2008.

For Petitioner	:No Appearance
For R1 and R2	:Mr.D.Ghandiraj Special Government Pleader
For R3	:Mr.S.Anwar Sameem for Mr.L.Madhusudhanan

W.P. (MD)No.4437 of 2009:-

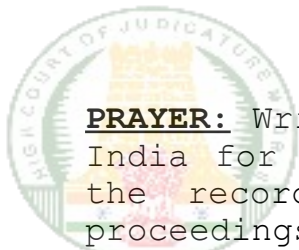
A.Sundari ... Petitioner

vs.

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Amma Mandapa Salai, Tiruchirappalli.

2.Ramasamy

3.V.K.Murugiah ... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent pursuant to the impugned proceedings in Na.Ka.No.9381/08/B4, dated 23.03.2009 and quash the same and consequently direct the 1st respondent to handover the charges to the petitioner, of Arulmigu Muthumariamman Thirukoil, Silattur Village, Aranthangi Taluk, Pudukottai District.

For Petitioner :Mr.P.Senthur Pandian
For R1 :Mr.D.Ghandiraj
Special Government Pleader
For R2 :No Appearance
For R3 :Mr.S.Anwar Sameem
for Mr.L.Madhusudhanan

CONT.P. (MD)No.518 of 2009:-

V.K.Murugaiah ... Petitioner

vs.

1.Ramasamy

2.M.K.Balasubramanian
Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Amma Mandapa Salai, Trichy.

3.Thangavelu Servai ... Respondents

PRAYER: Petition filed under Section 11 of Contempt of Courts Act, to issue summons to the respondents and punish them in accordance with the law for wilful disobedience of the order, dated 28.05.2009 in M.P.(MD)No.2 of 2009 in W.P.(MD)No.2833 of 2009.

For Petitioner :Mr.S.Anwar Sameem
for Mr.L.Madhusudhanan
For R2 :Mr.D.Ghandiraj
Special Government Pleader

CONT.P. (MD)No.225 of 2010:-

V.K.Murugaiah ... Petitioner

vs.

N.K.Balasubramanian
Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Amma Mandapa Salai, Trichy. ... Respondent

PRAYER: Petition filed under Section 11 of Contempt of Courts Act, to issue summons to the respondent and deal with him as per law for having wilfully disobeyed the order, dated 05.01.2010 passed by this Court in W.P.(MD)No.33 of 2010.



For Petitioner :Mr.S.Anwar Sameem
for Mr.L.Madhusudhanan
For Respondent :Mr.D.Ghandiraj
Special Government Pleader

COMMON ORDER

Heard Mr.P.Senthur Pandian, learned Counsel for the petitioner in W.P.(MD)No.4437 of 2009, Mr.S.Anwar Sameem, learned Counsel for Mr.L.Madhusudhanan, learned Counsel for the third respondent in the Writ Petitions and the petitioner in the Contempt Petitions and Mr.D.Ghandiraj, learned Special Government Pleader appearing on behalf of the official respondents in these petitions. No representation for the petitioner in W.P.(MD)No.2833 of 2009, second respondent in W.P.(MD)No.4437 of 2009 and first and third respondents in Cont.P.(MD)No.518 of 2009.

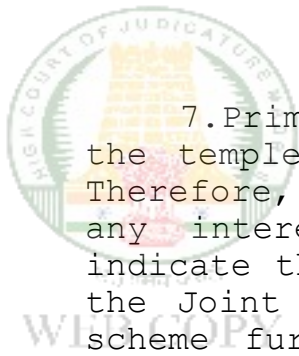
2.Common order is passed in the two Writ Petitions and the two Contempt Petitions, since the issue relates to the management and administration of a temple, namely, Arilmighu Muthumariamman Temple, Silattur Village, Aranthangi Taluk, Pudukotatai District.

3.The petitioner in W.P.(MD)No.4437 of 2009, A.Sundari, claims that her father-in-law, Veeraperumal, was one of the declared Hereditary Trustees in the said Temple. A scheme for administration of the said Temple was also framed by the Deputy Commissioner, H&CE Department at Trichy originally in O.A.No.146 of 1978 and thereafter, a further scheme was also framed for administration of the Temple by the Hereditary Trustees in O.A.No.34 of 2004, dated 28.07.2006 by the Joint Commissioner, HR& CE Department, Trichy.

4.The learned Counsel for the petitioner in W.P.(MD)No.4437 of 2009 states that there is no dispute among the parties with respect to following the scheme arrangement and therefore, had stated that the said arrangement should be retained.

5.Since there was no smooth transition in the administration in accordance with the scheme, the Writ Petitions came to be filed before this Court. Further, owing to the non compliance of the order directing the transition of the administration, the Contempt Petitions have also been filed.

6.It is, however, stated that the said scheme may be retained and that the petitioners herein as well as the respondents will be bound by the terms of the said scheme. It is stated that the this Court need not interfere with the said scheme. However, owing to the passage of time, since Writ Petitions have been filed in the year 2009 and have been pending for more than twelve years, it is expected that there would be change within the family members of the petitioner, A.Sundari, and the second and third respondents, Ramasamy and V.K.Murugiah respectively, in W.P.(MD)No.4437 of 2009.



7. Primarily, these families are entitled for administration of the temple in rotation basis in accordance with the said scheme. Therefore, let the parties, if the next generation has now envisaged any interest in continuing the administration of the temple, indicate the names of their legal heirs, who could be recognised by the Joint Commissioner, HR&CE Department, Trichy, to continue the scheme further. Then the Joint Commissioner, HR&CE, Trichy, may recognise such legal heirs as proposed by the petitioner and the second and third respondents in W.P.(MD)No.4437 of 2009, to retain the spirit of the scheme in its entirety.

8. No further orders are required in the Writ Petitions as on date and it is the hope of this Court that the petitioner's family and the family of the second and third respondents also would adhere to the terms of the scheme to ensure that any administration, the privilege of which they were given, under which, the scheme is actually an administration of a temple and in effect of the deity of the temple, namely, Arulmighu Muthumariamman Temple, the dignity and sanctity of the said administration would be upheld by all the parties.

9. With the above observations, these Writ Petitions are disposed of and the Contempt Petitions are closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The Commissioner of Hindu
Religious and Charitable Endowments Board, Chennai.

2. The Joint Commissioner of Hindu Religious
and Charitable Endowment Board,
Amma Mandapa Salai, Tiruchirappalli.

+1cc to M/s.P.SENTHURPANDIAN, Advocate, SR.No. 35979 DATED:26.11.2021

Order made in

W.P. (MD)Nos.2833 and 4437 of 2009

and

CONT.P.(MD)Nos.518 of 2009 and 225 of 2010

25.11.2021

DJ(CO)

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