



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.(MD) No.858 of 2021

and CMP(MD).No.3819 of 2021

WEB COPY

1. Vandiyoor Sri Nachiyarammal
Vagaira Religious Endowment,
rep. by its Managing Trustee,
M.Thiruppathi

2. M.Thiruppathi ... Appellants/Petitioners

Vs

1. The Special Commissioner and Commissioner,
H.R.&C.E.Department,
Nungambakkam, Chennai - 600 034.

2. The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Madurai - 625 002. .

3. Ananthan

4. Pitchai Ammal

5. Alagu Sundaram ... Respondents/Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent, against the order dated 09.09.2020, passed in W.P(MD).No.9332 of 2013.

Prayer in WP(MD). 9332/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records on the file fo the 2nd respondent in The.Mu.Na.Ka.No.9290/07/Aa1 dated 15/02/2010 and quash the same as illegal, ultravires, unconstitutional and quash the same as illegal,ultravires, unconstitutional and quash all the consequential proceedigns of the 1st and 2nd respondents and consequential proceedings of the 1st and 2nd respondents and consequentially forbear the respondents 1 and 2, their other officials, men and agents from interfering with the rights of the 2nd petitioner as the hereditary trustee and as managing trustee of the 1st petitioner trust.



For Appellants : Mr.S.Ramesh
For Respondents : Mr.K.P.Narayanakumar,
Special Government Pleader,

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JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM,J.**]

Heard Mr.S.Ramesh, learned Counsel appearing for the appellants and Mr.K.P.Narayana Kumar, learned Special Government Pleader appearing for the respondents.

2. This appeal filed by the unsuccessful writ petitioner is directed against the order dated 09.09.2020 passed in W.P(MD). No.9332 of 2013, by which, the appellant challenged the order passed by the second respondent appointing trustees to Vandiyoor Sri Nachiyarammal Vagaira Religious Endowment.

3. The learned Counsel for the appellants would vehemently contend that the scheme decree which has been passed in O.S.No.95 of 1956 and modified in O.S.No.10 of 1997, is not applicable to the said Trust as it is a private Trust. Therefore, it is submitted that the learned Single Bench ought not to have directed the appellant to go before the Joint Commissioner, Tirunelveli, and raised all contentions.

4. In our considered view, as long as the scheme decree is in vogue and in operation, it will bind the Department and all the parties concerned and the appointment of trustees shall be strictly in accordance with the scheme decree. Therefore, if the appellants are aggrieved by the scheme decree, they can challenge the same before the appropriate Forum and not by way of the writ petition.

5. Therefore, we are of the considered view, no relief can be granted to the appellants in this appeal except to observe that if at all, the appellants are aggrieved by the scheme decree, it is open to them to invoke other remedies available under the law. Accordingly, the writ appeal stands dismissed. No costs.

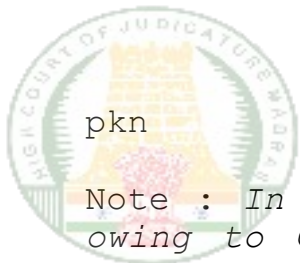
Sd/-

Assistant Registrar(CS-III)

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/ /2021

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Special Commissioner and Commissioner,
H.R.&C.E.Department,
Nungambakkam, Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Madurai - 625 002.

+1 CC to M/s.V.RAGHAVACHARI, Advocate (SR-17082[F] dated 22/04/2021)

W.A. (MD) No.858 of 2021
20.04.2021

DKS (CO)
TR(05.05.2021) 3P 4C