



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P. (MD)Nos.21002 of 2019 and 1893 of 2021
and**

W.M.P. (MD)Nos.17598 of 2019 and 1634 of 2021

W.P. (MD)No.21002 of 2019:-

Chella Perumal Pillai : Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Trichy.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Trichy. : Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to forbear the respondents herein from in any manner interfering in the petitioner's peaceful management of the Sri Kamatchiamman Temple @ Anna Sri Kamatchiamman Temple by anyway including taking steps to appoint fit person to the said temple situated at Kuthoor village, Manachanallur Taluk, Tiruchirapalli District till the disposal of the case in O.A.No.23 of 2019 pending on the file of the first respondent herein.

For Petitioner
For Respondent

:Mrs.S.Mahalakshmi
:Mr.K.P.Narayanakumar
Special Government Pleader

W.P. (MD)No.1893 of 2021:-

E.Chellaperumal : Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruvanaikoil, Srirangam, Tiruchirapalli District.



2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruvanaikoil, Srirangam, Tiruchirapalli District.

3.Thakkar / The Executive Officer,
Arulmigu Uthamar Koil Devasthanam Office,
Uthamar Koil, Pitchandar Koil Post,
Manachanallur Taluk, Tiruchirapalli District.

: Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records of the proceedings dated 21.10.2020 and 15.12.2020 passed by the 3rd respondent and quash the same and forbearing the respondents not to interfere the petitioner's hereditary trusteeship in the Pidari Sri Anaiyalathamman Sangilikaruppu Temple, Koothur Village, Pitchandar Koil, Manachanallur Taluk, Trichy District has also been averred in the Judgment and Decree in O.S.No.134 of 1913 on the file of District Munsif of Srirangam dated 23.10.1914 as the petitioner's forefathers were the founder and hereditary trustee till the disposal of the Original Application in O.A.No.23 of 2019 pending before the 1st respondent.

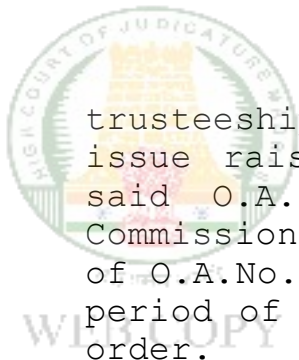
For Petitioner	:Mrs.S.Mahalakshmi
For R1 and R2	:Mr.K.P.Narayanakumar Special Government Pleader
For R3	:Mr.C.Gunaseelarupan

COMMON ORDER

Heard the learned Counsel appearing on either side. Since the issues involved in these writ petitions are one and same, these Writ Petitions are taken up together for final disposal.

2.The Writ Petitioner, Chinnaperumal Pillai, claims that he is the Hereditary Trustee-cum-Poojari of the petition mentioned temple. The said temple has been brought under the purview of the HR & CE Department. The third respondent has been appointed as Fit Person of the temple. The petitioner has not so far challenged the appointment of Fit Person. He had only filed a Writ Petition in W.P.(MD)No.21002 of 2019 for forbearing the HR & CE Department from interfering with his management of the temple. So long as the order appointing Fit Person is not formally challenged, I will not be justified in restraining the HR & CE Department in this regard.

3.It is seen that the petitioner has already filed O.A.No.25 of 2014 before the first respondent under Section 63(b) of the HR & CE Act. The petitioner seeks declaration that the office of the



trusteeship is Hereditary in nature. I am of the view that the issue raised in these Writ Petitions will get resolved, if the said O.A., is expeditiously disposed of. Hence, the Joint Commissioner, HR & CE Department, Trichy, is directed to dispose of O.A.No.23 of 2019 on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

4.In W.P.(MD)No.1893 of 2021, the Fit Person has issued show cause notice calling upon the petitioner to appear and offer his explanation. The stand of the Fit Person is that a number of properties endowed in favour of the temple have been unlawfully alienated both by the petitioner and his father. Of-course, the learned Counsel for the petitioner would controvert the allegations regarding unlawful alienation. The stand of the petitioner that he has nothing to do with the wrong committed by his father. Insofar as the properties alienated by the petitioner are concerned, the learned Counsel for the petitioner would submit the properties were sold only for the welfare of the temple.

5.These contentions are to be canvassed before the authorities concerned. One of the main grounds urged by the learned Counsel for the petitioner is that the petitioner being a Hereditary Trust-cum-Poojari, will not be amenable to the disciplinary jurisdiction of the Fit Person. Since the petitioner has already filed Original Application and I have also directed the competent authority to dispose of the said Original Application, within four months from the date of receipt of a copy of this order, the enquiry can go on and the Fit Person will not pass any final orders till the disposal of the Original Application.

6.With the above, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar (CS)

Cmr



To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Trichy.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Trichy.

+1 CC to SGP (SR-4282, 4283[F] dated 10/02/2021)

+1 cc to M/s.S.Mahalakshmi , Advocate SR.No.4359

+1 cc to Mr.C.Gunaseelarupan , Advocate SR.No.4560

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