



W.P.No.19004 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.19004 of 2011

MP Nos.1 to 3 of 2011

1. Smt.Saraswathy

2. G.Kuppusamy

3.G.Palanisamy

4. G.Muruges

5. G.Arumugam

6. G.Sakthivadivel

7. M.Sakunthala

.. Petitioners

Vs.

1. THE JOINT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
(ADMN) DEPARTMENT,
BALASUNDARAM ROAD,
COIMBATORE-18.

2 THE ASSISTANT COMMISSIONER,



W.P.No.19004 of 2011

HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
(ADMN) DEPARTMENT, ERODE.

WEB COPY

3 THANGAI AMMAL

4 TMT. UMA MAHESWARI

.... Respondents

PRAYER.: This Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the impugned order passed by the Joint Commissioner HR & CE Coimbatore issued in M.P. No.1 of 2011 dt 4.8.2011 and quash the same as illegal.

For Petitioner	: Mr.P.Gopalan
For Respondent	: Mr.N.R.R.Arun Natarajan Special Government Pleader for R1 and R2 Mr.V.Srikanth for R3

ORDER

This writ petition was filed challenging the order passed by the 1st respondent through proceedings dated 04.08.2011, wherein the 1st respondent declared that the order passed on 27.06.2011 holds good.



W.P.No.19004 of 2011

2. The case of the petitioner is that the husband and the father of the respondents 3 and 4 was allowed to function as the hereditary trustee of the temple. The 1st respondent through an order dated 10.09.2007 allowed the husband of the 3rd respondent to continue as the hereditary trustee and rejected the claim made by the petitioners to hold the said office along with the husband of the 3rd respondent. The petitioners filed an appeal against the said order before the Commissioner of HR&CE and the matter was remanded back to the file of the 1st respondent. This order was challenged by the husband of the 3rd respondent before this Court in WP No.9116 of 2009 and the order passed by the Commissioner was confirmed. Aggrieved by the same, the writ appeal in WA No.1447 of 2007 was filed by the husband of the 3rd respondent and the order passed by the Commissioner was once again confirmed. Aggrieved by the same, a special leave petition was filed before the Hon'ble Supreme Court and the matter is now pending before the Apex Court.



W.P.No.19004 of 2011

3. In the meantime, the respondents 3 and 4 filed a petition before the 1st respondent to record their succession and initially, an order came to be passed by the 1st respondent on 27.06.2011 recording the succession under Section 54(1) of the HR&CE Act. Thereafter, the 1st respondent suspended the earlier order dated 27.06.2011 after becoming aware of the fact that the special leave petition filed by the husband of the 3rd respondent is pending before the Apex Court. Accordingly, the 1st respondent proceeded to pass the impugned order dated 04.08.2011 confirming the order of suspension passed on 27.06.2011. Aggrieved by the same, the present writ petition has been filed before this Court.

4. Heard Mr.P.Gopalan, learned counsel for the petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for respondents 1 and 2 and Mr.V.Srikanth, learned counsel for 3rd respondent.

5. In the considered view of this Court, the Special



W.P.No.19004 of 2011

Leave Petition filed by the husband of the 3rd respondent and father of the 4th respondent is pending before the Apex Court and till a final result is arrived at, it will not be appropriate for the 1st respondent to record the succession in favour of the legal representatives of the deceased Shanmugam, who is the husband of the 3rd respondent. The 1st respondent has to necessarily await for the final result in the Special Leave petition. In view of the same, this Court does not find any ground to interfere with the impugned order passed by the 1st respondent on 04.08.2011. Even though, a preliminary objection was raised by the learned Special Government Pleader with regard to the maintainability of this writ petition on the ground that the petitioners have a right of appeal before the Commissioner of HR&CE, this Court does not want to go into that issue at this length of time, since this Court does not find any illegality in the decision that was taken by the 2nd respondent. The final result in the Special Leave petition will ultimately determine the status of the parties.

6. In result, this writ petition stands dismissed.



W.P.No.19004 of 2011

Consequently, the connected miscellaneous petitions are closed.

WEB COPY

05.07.2022

rka

To

1. THE JOINT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
(ADMN) DEPARTMENT,
BALASUNDARAM ROAD,
COIMBATORE-18.
- 2 THE ASSISTANT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
(ADMN) DEPARTMENT, ERODE.

N.ANAND VENKATESH, J.
rka



WEB COPY



W.P.No.19004 of 2011

W.P.No.19004 of 2011

05.07.2022