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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WRIT PETITION NO.5075 OF 2022

K.Seshan

...Petitioner

Vs.

- 1.The Commissioner
Hindu Religious and Charitable Endowments
Department
Nungambakkam, Chennai-34.
- 2.The Joint Commissioner
Hindu Religious and Charitable Endowments
Department
Vellore, Vellore District.
- 3.The Assistant Commissioner
Hindu Religious and Charitable Endowments
Department
Kancheepuram
Kancheepuram District.
- 4.The Executive Officer
Arulmighu Mari Chinnamman Thirukkoil
West Kulakkarai street
Kadambadi Village and Post
Thirukazhukundram Taluk
Kancheepuram District.

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 2 and 4 to pass order to grant permission to operate the bank account of Arulmighu Mari Chinnamman Thirukkoil, situated at Kadambadi village and post, Thirukazhukundram Taluk, Kancheepuram District, by considering the representation made by the petitioner on 17.02.2022 within a period to be stipulated by this Court.

For Petitioner	:	Mr.R.Chandrasekaran
For R1 to R3	:	Mr.N.R.R.Arun Natarajan Special Government Pleader
For R4	:	Mr.A.K.Sriram for M/s.A.S.Kailasam and Associates



O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus directing the respondents 2 and 4 to pass order to grant permission to operate the bank account of Arulmighu Mari Chinnamman Thirukkoil, situated at Kadambadi village and post, Thirukazhukundram Taluk, Kancheepuram District, by considering the representation made by the petitioner on 17.02.2022 within a period to be stipulated by this Court.

2. By consent of both the learned counsel appearing for the petitioner as well as Mr. N. R. R. Arun Natarajan, the learned Special Government Pleader, who takes notice for the respondents 1 to 3 and Mr. A. K. Sriram, the learned counsel, who takes notice for the 4th respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, he is one of the Hereditary Trustees of Arulmighu Mari Chinnamman Thirukkoil situated at Kadambadi Village and Post, Thirukazhukundram Taluk, Kancheepuram District. The post of Hereditary Trustee of the petitioner was recognised by the 2nd respondent by the proceedings dated 13.04.2010. Apart from the petitioner, one Kuppusamy is another Hereditary Trustee. According to the petitioner, the said Kuppusamy made a false complaint against the petitioner stating that the petitioner had encroached the temple land. After inspection, the Inspector of H.R. and C.E. Department gave a report that there is no encroachment made by the petitioner. In spite of the same, without considering the explanation submitted by the petitioner, the 2nd respondent has passed an order on 03.07.2014 removing the petitioner from the post of Hereditary Trustee. Challenging the said order, the petitioner filed Writ Petition No. 22092 of 2014. This Court by the order dated 06.02.2015 allowed the Writ Petition setting aside the order of the 2nd respondent and remanded the matter to the 2nd respondent for fresh consideration, after hearing the petitioner in person, within a period of three weeks from the date of receipt of the copy of that order. The 2nd respondent conducted enquiry, the petitioner participated in the enquiry and submitted his explanation. Till date, the 2nd respondent has not passed any order. While so, the other Hereditary Trustee Kuppusamy, who was entrusted with cheque signing power, died on 14.02.2022 and hence, the day-to-day administration of the temple has been stalled. In such circumstances, the petitioner has given representation dated 17.02.2022 to the respondents to pass order on the enquiry conducted against the petitioner in compliance with the order of this Court dated 06.02.2015 made in W.P. No. 22092 of 2014 and to grant permission to operate the bank account of the temple. Since no order was passed on the said representation, the petitioner has come out with the present Writ Petition.



4. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for the respondents 1 to 3 submitted that after conducting enquiry by the 2nd respondent, so far no order is passed. This Court while setting aside the order removing the petitioner from the post of Hereditary Trustee, made certain observations against the petitioner and in view of the allegations, cheque signing power cannot be given to the petitioner. As a matter of right, the petitioner cannot seek permission for cheque signing power.

5.Mr.AK.Sriram, the learned counsel appearing for the 4th respondent submitted that as on today, the 4th respondent is operating bank account and 4th respondent is administering the temple without any interest. It is only a mere apprehension of the petitioner that in view of death of Kuppusamy, day-to-day administration of the temple is affected and prayed for dismissal of the Writ Petition.

6.Considering the above rival submissions, as per the order of this Court dated 06.02.2015 made in Writ Petition No.22092 of 2014, the 2nd respondent has not passed any order in the issue of removal of petitioner as Hereditary Trustee for more than six years and considering the relief sought for in the present Writ Petition, without deciding the issue on merits, the 2nd respondent is directed to consider the representation of the petitioner dated 17.02.2022 and pass orders on merits and in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order. The 2nd respondent is also directed to comply with the earlier order of this Court dated 06.02.2015 passed in Writ Petition No.22092 of 2014.

7.With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

kj

To

1.The Commissioner
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Nungambakkam, Chennai-34.



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Kadambadi Village and Post
Thirukazhukundram Taluk
Kancheepuram District.

+1cc to Mr.R.Chandrasekaran, Advocate Sr.No.14838

+1cc to Mr.A.S.Kallasam & Associates, Advocate Sr.No.15388

+1cc to the Government Pleader Sr.No.15296

W.P.No.5075 of 2022

VBM(CO)
RVM(21/03/2022)