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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.7367 OF 2022

AND

W.M.P.NO.7383 OF 2022

P.Suresh

... Petitioner

.Vs.

1. The Joint Commissioner,
O/o. The Joint Commissioner,
HR & CE Department,
Salem.
2. The Assistant Commissioner,
O/o. The Assistant Commissioner,
HR & CE Department,
Salem.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the 2nd respondent herein from constituting a Trust Board for Arulmighu Velayuthaswamy Temple, Vattamalai, Katheri Village, Sankagiri Taluk based on petitioner's representation dated 22.03.2022.

For Petitioner : Mr.S.Lakshmikanth
For Swarnam J.Rajagopalan

For Respondents : M/s.M.Geetha Thamaraiselvan
RR1 & 2 Special Government Pleader

O R D E R

The petitioner has come out with the present Writ Petition forbearing the 2nd respondent from constituting a Trust Board for Arulmighu Velayuthaswamy Temple, Vattamalai, Katheri Village, Sankagiri Taluk based on petitioner's representation dated 22.03.2022.



2. By consent of both the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents, this Writ Petition is taken up for final disposal at the admission stage itself.

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3. According to petitioner, he is a devotee of Arulmighu Velayuthaswamy Temple, Vattamalai, Katheri Village, Sankagiri Taluk. A scheme for administration of Arulmighu Velayuthaswamy Temple, Vattamalai, Katheri Village, Sankagiri Taluk was framed in O.A.No.16 of 2001 on the file of the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Salem. Applications were called for appointment of Non-Hereditary Trustees as per the scheme framed in O.A.No.16 of 2001. After receiving the list of applications, the 2nd respondent prepared the list of candidates to be appointed as Non-Hereditary Trustees. The petitioner came to know the name of the persons proposed to be appointed as Non-Hereditary Trustees. The persons who are proposed to be appointed as Non-Hereditary Trustees have acted against the interest of the temple and for 15 years, they have not submitted any accounts and mismanaged the affairs of the temple. In such circumstances, the petitioner has sent a representation dated 22.03.2022 to the 2nd respondent seeking not to appoint the proposed persons as Non-Hereditary Trustees. Since, no order has been passed on the said representation dated 22.03.2022, the petitioner has come out with the present Writ Petition.

4. The learned Special Government Pleader appearing for the respondents submitted that a proposal has been sent to the Government and till now no Trustees have been appointed for the temple.

5. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents and perused the entire materials on record.

6. The petitioner has made very serious allegations against the persons proposed to be appointed as Non-Hereditary Trustees. The petitioner's apprehension is that the persons proposed to be appointed as Non-Hereditary Trustees will act against the interest of the temple and mismanage the temple properties as they have mismanaged the affairs of the temple for more than 15 years. Due to the fact that the interest of the temple is involved, the respondents are directed to verify the antecedents of the persons proposed to be appointed as Non-Hereditary Trustees and pass orders based on the enquiry, after giving opportunity to the petitioner and to the persons proposed to be appointed as Non-Hereditary Trustees, within a period of four weeks from the date of receipt of a copy of this order.



7. With the above directions, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

krk

To

1. The Joint Commissioner,
O/o. The Joint Commissioner,
HR & CE Department,
Salem.
2. The Assistant Commissioner,
O/o. The Assistant Commissioner,
HR & CE Department,
Salem.
3. The Special Government Pleader,
Madras High Court,
Chennai.

W.P.NO.7367 OF 2022

SKM(CO)
PBS/20/04/2022