



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.8123 of 2022

G.Pethu Reddy

...Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowments,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable and Endowments,
Villupuram - 605 602.
3. The Assistant Commissioner,
Office of the Assistant Commissioner,
Hindu Religious and Charitable and Endowments,
Villupuram - 605 602.
4. The Assistant Commissioner,
Office of the Assistant Commissioner,
Hindu Religious and Charitable and Endowments,
No.25/12, Thurugam Road, M.R.Nagar,
Kallakurichi District - 606 202.

...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 to recognize the petitioner as Hereditary Trustee to the temple viz., Arulmigu Visalakshi Samedha Neelakandeswarar Aalayam situated at Pazhaiyasiruvangur Village, Sankarapuram Taluk, Kallakurichi District based on the petitioner's representation dated 21.02.2022.



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For Petitioner : Mr.G.Balamanikandan

For Respondents : Mr.S.Yashwanth
Additional Government Pleader

O R D E R

The petitioner has come out with the present Writ Petition for a direction to the respondents to recognize the petitioner as Hereditary Trustee to the Arulmigu Visalakshi Samedha Neelakandeswarar Aalayam situated at Pazhaiyasiruvangur Village, Sankarapuram Taluk, Kallakurichi District.

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

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

4.According to the petitioner, his father viz., Gopal Reddy was declared and appointed as Hereditary Trustee of Arulmigu Visalakshi Samedha Neelakandeswarar Aalayam situated at Pazhaiyasiruvangur Village. The petitioner's father collected donations from the villagers, renovated the temple and performed consecration on 07.06.1978. His father died in the year 2005. After the death of his father, the petitioner is managing the temple. He is spending nearly 1.5 to 2 lakhs per annum from his own funds for paying salary to the Priest / Archagar and other expenses. Some of the lands belonging to the temple were leased out to the villagers and some of the lands are encroached by third parties. When the petitioner demanded lease amount from the lessees, they are questioning the capacity of petitioner for collection of rent. The petitioner's father was appointed as the Hereditary Trustee of the Temple and after his death, the petitioner is continuing his work, being the only legal heir of his father. According to petitioner, there is no rival claim with regard to trusteeship. Hence, the petitioner has made out representation dated 21.02.2022 to the respondents to recognise the petitioner as Hereditary Trustee of Arulmigu Visalakshi Samedha Neelakandeswarar Aalayam situated at Pazhaiyasiruvangur Village.



5.Mr.S.Yashwanth, learned Additional Government Pleader appearing for the respondents submitted that the petitioner has to make an application under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, before the 2nd respondent. If the petitioner makes any such application before the 2nd respondent, the 2nd respondent will consider the said application and pass orders on merits.

6.The learned counsel appearing for the petitioner submitted that the petitioner will file an application under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 before the Joint Commissioner, Hindu Religious and Charitable and Endowments, Villupuram, the 2nd respondent herein.

7.In view of the above submissions, the petitioner is directed to make an application under Section 63(b) of the Hindu Religious and Charitable Endowments Act, 1959, before the 2nd respondent and if any such application is filed before the 2nd respondent, the 2nd respondent is directed to consider the same on merits and pass orders in accordance with law, within a period of eight weeks thereafter.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
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Endowments, 119, Uthamar Gandhi Salai,
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2. The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable and Endowments,
Villupuram - 605 602.



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3. The Assistant Commissioner,
Office of the Assistant Commissioner,
Hindu Religious and Charitable and Endowments,
Villupuram - 605 602.

4. The Assistant Commissioner,
Office of the Assistant Commissioner,
Hindu Religious and Charitable and Endowments,
No.25/12, Thurugam Road, M.R.Nagar,
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+1 CC to Mr.G.Balamanikandan, Advocate sr 22823.

+1 CC to The Special Government Pleader sr 24086.

W.P.No.8123 of 2022

SKM(CO)
SP(21/04/2022)