



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2022

CORAM :

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.1343 of 2022
and
C.M.P.No.8627 of 2022

A.P.Raja
Hereditary Trustee
Arulmighu Mariamman, Cheliamman
Chennarayar Perumal Temple
Anupur Village, Valapadi Taluk
Salem District - 636 139.

... Appellant/Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Salem - 636 001.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Salem - 636 001.

... Respondents/ Respondents

Prayer: Writ appeal filed under Clause 15 of Letters Patent
praying to set aside the order in W.P.No.5344 of 2022 dated
09.03.2022.

Prayer in W.P.No.5344 of 2022:

Writ Petition filed Under Article 226 of the Constitution
of India, to issue a Writ of Certiorari Mandamus calling for the
records of the proceedings in SA.MU.NA. KA.NO. 4692/2021/E1
dated 18.02.2022 on the file of the 1st respondent and to quash
the same as illegal, incompetent and without jurisdiction.

For Appellant : Mr.V.Raghavachari
For Respondents: Mr.D.Ravichander
Special Government Pleader



J U D G M E N T

(Judgment of the Court was delivered by G.R.SWAMINATHAN ,J.)

WEB COPY

Heard the learned counsel appearing for the appellant and the learned Special Government Pleader appearing for the respondents.

2. The appellant herein is the Hereditary Trustee of Arulmighu Mariamman, Cheliamman, Chennarayar Perumal Temple, Anupur Village. Certain allegations have been made against the appellant, therefore, he has been suspended and enquiry has also been initiated. A fit person has also been appointed to manage the petition mentioned Institution. Challenging the same, the appellant filed W.P.No.5344 of 2022 and the same was dismissed by an order dated 09.03.2022. Challenging the same, this Writ Appeal has been filed.

3.The appellant has a son. It is well settled that when a Religious Institution is managed by a Hereditary Trustee, if he is unseated for any reason, the next in the line of succession will necessarily step in, but the learned Special Government Pleader appearing for the respondents states that since serious allegations have been made, if the appellant's son is allowed to become the next Trustee, the fairness of the enquiry may be vitiated.

4. We find force in the said contention. The appellant's son is also ready and willing to submit an application to become the Trustee in the place of his father. It is again well settled that recording of the name of the appellant's son in the place of the appellant is only a matter of formality and it does not involve any adjudication.

5. We, therefore, set aside the order impugned in the Writ Appeal and dispose of the Writ Appeal in the following terms :

(a) The appellant's Son Thiru.Prabhu undertakes to submit an application for appointing himself as a Hereditary Trustee in the place of his father within a period of one week from the date of receipt of a copy of this order.

(b) The enquiry initiated against the appellant will be concluded on or before 30.06.2022.

(c) It is undertaken by the respondents that no application for extension will be filed.

(d) If at the end of the enquiry, the appellant is exonerated, the appellant automatically will be restored to the position of Hereditary Trustee and the



WEB COPY

fit person will obviously make way for him. If the appellant is found guilty, the appellant's son will be straight away recorded as hereditary trustee in the place of the appellant and under no circumstance, the fit person will continue to manage the affairs of the petition mentioned Religious Institution after 30.06.2022.

6. The Writ Appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Vacation Officer)

//True Copy//

Sub Assistant Registrar

ms/mk

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Salem - 636 001.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Salem - 636 001.

+1 cc to Mr.V.Ragavachari, Advocate Sr.NO.31427

+1 cc to Government Pleader Sr.NO. 31486,31538

W.A.No.1343 of 2022

and

C.M.P.No.8627 of 2022

AK(CO)

A.SK(20/05/2022)