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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.13548 OF 2014

AND

M.P.NO.1 OF 2014

1. R.Selvam

2. R.Suresh

... Petitioners

.Vs.

1. The Commissioner,
HR & CE,
Utthamar Gandhi Road,
Chennai.

2. The Joint Commissioner,
HR & CE Board,
Salem.

3. The Assistant Commissioner,
HR & CE Board,
Salem.

4. The Fit Persons/Inspector,
The Arulmigu Mariyamman and
Pidariamman Thirukoil,
Kadayampatty North Village,
Bommiampatty, Omalur Taluk,
Salem District.

5. M.Venkataraji,
S/o. Mani Chetty,
Poosari Arulmigu Mariyamman and
Pidariamman Thirukoil,
Bommiampatty, Omalur Taluk,
Salem District,
Residing at Palpakki,
Omalur Taluk,
Salem District.

... Respondents



PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for records from the 3rd respondent in his proceedings செ.மு.ந.க.எண்.2896/2003 ஆ2 நாள் 09.07.2013 (2 orders) and quash the same and consequently appoint the petitioners as TRUSTEES to the Arulmigu Mariyamman and Pidariamman Thirukoil at Bommiampatty Village, Omalur Taluk as contemplated U/s 54 (1) of Hindu Religious & Charitable Endowments Act, 1956 and permit to conduct poojas to the above said temple.

For Petitioners : Mr.S.Sivakumar

For RR 1 to 3 : Mr.K.Karthikeyan
Government Advocate (HR & CE)

For RR 4 & 5 : No appearance

O R D E R

The present Writ Petition is filed for a Writ of Certiorarified Mandamus, to call for records from the 3rd respondent in his proceedings செ.மு.ந.க.எண்.2896/2003 ஆ2 நாள் 09.07.2013 (2 orders) and quash the same and consequently appoint the petitioners as TRUSTEES to the Arulmigu Mariyamman and Pidariamman Thirukoil at Bommiampatty Village, Omalur Taluk as contemplated U/s 54 (1) of Hindu Religious & Charitable Endowments Act, 1956 and permit to conduct poojas to the above said temple.

2. Both the learned counsel appearing for the petitioners as well as the learned Government Advocate (HR & CE) appearing for the respondents 1 to 3 submitted that the present Writ Petition is filed challenging the order of the 3rd respondent, appointing the 4th respondent as Fit Person to Arulmigu Mariyamman and Pidariamman Thirukoil at Bommiampatty Village, Omalur Taluk. The learned counsel appearing for the petitioners further submitted that the petitioners' father was hereditary trustee, which was declared by the order dated 15.06.1977 passed in O.A.No.7 of 1977 and the same was confirmed by suo-motu revision initiated by the 1st respondent. After the death of petitioners' father on 16.04.2012, the petitioners filed M.P.No.13 of 2012 to declare them as hereditary trustees. In the mean time, one G.Dhanapal and 7 others filed appeal in A.P.No.10 of 2012 against the petitioners before the 1st respondent. Pending M.P.No.13 of 2012, O.A.No.7 of 1977 and appeal in A.P.No.10 of 2012, the 3rd respondent appointed the Fit Person to Arulmigu Mariyamman and Pidariamman Thirukoil at Bommiampatty Village, Omalur Taluk.



Pending Writ Petition, the 2nd respondent passed an order dated 18.11.2015 in M.P.No.13 of 2012, declaring the 1st petitioner as hereditary trustee. In view of the same, nothing survives in the Writ Petition and the Writ Petition has become infructuous.

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3. Recording the above said submissions made by the learned counsel appearing for the petitioners as well as by the learned Government Advocate (HR & CE) appearing for respondents 1 to 3, this Writ Petition is dismissed as infructuous. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
HR & CE,
Utthamar Gandhi Road,
Chennai.
2. The Joint Commissioner,
HR & CE Board,
Salem.
3. The Assistant Commissioner,
HR & CE Board,
Salem.
4. The Fit Persons/Inspector,
The Arulmigu Mariyamman and
Pidariamman Thirukoil,
Kadayampatty North Village,
Bommiampatty, Omalur Taluk,
Salem District.

+1cc to the Government Pleader, S.R.No.14853

W.P.NO.13548 OF 2014

GPL(CO)
PBS/17/03/2022