



W.P. No. 19270 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 19270 of 2014

1. Muniappa Gounder

2. Pachaiappa Gounder

... Petitioners

-VS-

1. The Commissioner,
The Hindu Religious and Charitable Endowments Department,
No. 119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 34.

2. The Joint Commissioner,
The Hindu Religious and Charitable Endowments Department,
Kottai Mariamman Temple Campus,
Salem.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents herein to pass orders on the request made by the hereditary trustees by Letter dated 07.02.2014 and that of their counsel by Letter dated 14.03.2014 permitting the Petitioners herein to operate the Bank accounts maintained in TAICO Bank, Krishnagiri Branch (Opposite to K-Theatre) Krishnagiri and in Bank of India, Krishnagiri Bank (Opposite to Government Girls Higher Secondary School) Krishnagiri so as to enable the hereditary trustees to conduct the Annual Festival in the Sri Mariamman Temple, Avadhanapatti Village, Agraharam Post, Krishnagiri Taluk and District.



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For Petitioners : No appearance
For Respondents : Mr. M.Bindran,
Additional Government Pleader

ORDER

Heard Mr. M.Bindran, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Respondents to pass orders on the representations dated 07.02.2014 and 14.03.2014 made by the Petitioners for permitting them to operate the Bank Accounts maintained in TAICO Bank, Krishnagiri Branch (Opposite to K-Theatre) Krishnagiri and in Bank of India, Krishnagiri Bank (Opposite to Government Girls Higher Secondary School) Krishnagiri, so as to enable the hereditary trustees to conduct the Annual Festival in the Sri Mariamman Temple, Avadhanapatti Village, Agraharam Post, Krishnagiri Taluk and District.

3. It has been brought to notice that Mr. W.C.Thiruvengadam, who has entered appearance for the Petitioners, is no more. Learned Additional



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Government Pleader appearing for the Respondents has filed a memo dated

14.10.2022 stating as follows:-

“ I submit that as per the order of this Hon'ble Court passed in S.A. No. 739 of 2009 One Thirupathi Gounder and others has been appointed as Trustees with two Hereditary Trustees to manage the affairs of the Temple.

I further submit that as per the order of this Hon'ble Court passed in W.P. No. 12186 of 2011 one Karian and others has been registered as Hereditary Trustees along with other to manage the affairs of the Temple. Against the order passed in W.P. No. 12186 of 2011 One Thirupathi Gounder filed Writ Appeal No. 315 of 2012. The Writ Appeal has been allowed based on the order passed in the Writ Appeal said Karian and other has been relished from the Trusteeship.

I submit that one Lakshmanan and 5 others has given a representation to register the Hereditary Trustee and filed the Writ Petition before the Hon'ble Court in W.P. No. 34380 of 2012. This Hon'ble Court by order dated 19.12.2012 directed the Respondents to enquire and register the above said persons as Hereditary Trustee.



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I further submits that since there was a dispute between the above said persons regarding to elect the chariman of trustees. Hence the Commissioner, HR & CE has appointed the Executive Officer by Proceedings dated 24.07.2010 Na. Ni. Mu. No. 68339/2010/L5 and also the Commissioner appointed Theeragirishwarar Thirukoil Executive Officer as the Fit Person of the above temple and directed the Executive Officer and Fit Person to take charge immediately. One of the Trustees has filed Writ Petition that was also dismissed. As per the above Government Orders the Executive Officer and Fit Person managing and maintaining the temple till today and also they are operating the bank accounts of the temple.

Hence I respectfully submit that the Executive Officer and Fit Person is operating the bank accounts of the temple. In this stage we cannot permit the Petitioner to operate the bank account of the temple.

Hence it is therefore the Hon'ble Court may be pleased to record the memo and dismiss the above Writ Petition and pass further orders and thus render justice.”



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In view of the aforesaid subsequent events, nothing remains for consideration in the representations said to have been made by the Petitioners to the Respondents. However, it would not preclude the Petitioners, if they have any other grievance to work out their rights before the proper forum in the manner recognized by law.

In fine, the Writ Petition is disposed on the aforesaid observations.

No costs.

14.10.2022

skr

Index: Yes/No

Note: Issue order copy by 04.11.2022.

To

1. The Commissioner,
The Hindu Religious and Charitable Endowments Department,
No. 119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 34.
2. The Joint Commissioner,
The Hindu Religious and Charitable Endowments Department,
Kottai Mariamman Temple Campus,
Salem.

Copy to

1. Muniappa Gounder,
S/o. Venkatachala Gounder,
Hereditary Trustee of Sri Mariamman Temple,
Avadhanapatti Village,
Agraharam Post, Krishnagiri Taluk and District.



WEB COPY



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P.D. AUDIKESAVALU, J.

skr

2. Pachiappa Gounder,
S/o. Duraikannu @ Perumal Gounder,
Hereditary Trustee of Sri Mariamman Temple,
Avadhanapatti Village,
Agraharam Post,
Krishnagiri Taluk and District.

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