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W.P. No. 32269 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

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

**W.P. No. 32269 of 2022
and
W.M.P. Nos. 31670 and 31671 of 2022**

1. Muthammal
2. Thangam
3. Vijaya
4. Lalitha
5. Uma

... Petitioners

-VS-

1. The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable and Endowment,
Villupuram- 605 602.
3. The Assistant Commissioner,
Office of the Assistant Commissioner,
Hindu Religious and Charitable and Endowments,
Villupuram - 605 603.



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4. The Executive Officer,
Hindu Religious and Charitable Endowments,
Office at Arulmigu Perumal Thirukoil,
Kallakurichi.

5. The Inspector,
Hindu Religious and Charitable Endowments,
Uludurpet,
Villupuram District.

6. Panchalai
Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 08.07.2022 passed in R.P. No. 42 of 2019 on the file of the First Respondent herein and to quash the same and direct the Second Respondent to record the Writ Petitioners as the next persons in-line of succession of the deceased Periyasamy, Herediary Trustee of A/m. Angala Parameswari Temple situated at Chithalur Village, Kallakurichi Taluk and District.

For Petitioners : Mr. W.M.Abdul Majeed

For Respondents : Mr. N.R.R.Arun Natarajan,
Special Government Pleader

ORDER

Heard Mr. W.M.Abdul Majeed, Learned Counsel for the Petitioners,
Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader, who takes



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notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the order dated 08.07.2022 passed in R.P. No. 42 of 2019 passed by the First Respondent by which the matter was remitted to the Second Respondent for fresh consideration.

3. Learned Counsel for the Petitioners states that though the Petitioners are not aggrieved by remitting the matter back to the Second Respondent, but the observations made in para nos. 9 and 10 of the impugned order would affect the rights of the Petitioners, which reads as follows:-

“9. In the present case, the legal heirs of the said Periyasamy did not make any complaint or claim against the Petitioner. The compliant is in no way connected with the family of deceased Periyasamy and he does not make any claim to the office of the Trusteeship. Further, before passing the impugned order, the legal heirs of the deceased Periyasamy were not heard by the Joint Commissioner.

10. The right of Hereditary Trusteeship is a valuable right



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which was enjoyed by the Petitioner for the almost 26 years.

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Nobody claimed the office for 26 years against the Petitioner. As per Article 107 of the Limitation Act, if anybody occupy the hereditary office for 12 years, hit by limitation.”

Having regard to the fact that the First Respondent has remitted the matter to the Second Respondent for fresh consideration, the Second Respondent while considering the matter afresh shall not be influenced or inhibited by those observations in the impugned order and shall independently consider the matter in accordance with law. It is needless to add here that since the Petitioners are the aggrieved persons, they shall be entitled to be made as parties in the proceedings before the Second Respondent, and it is made clear that no view has been expressed by the Court on the merits of the controversy involved in the matter.

4. In fine, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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vjt

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Note: Issue order copy by 03.01.2023.

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P.D. AUDIKESAVALU, J.

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