



W.P(MD)No.15153 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15153 of 2013

and

M.P(MD)No.1 of 2013

Shri Akkasalai Vinayakar Koil Devasthanam,
Represented by its Secretary,
M.R.Manickam.

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
Nungampakkam,
Chennai.

2.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for records pertaining to impugned order passed by the second respondent in his proceedings in Se.Mu.Na.Ka.No.5095/2012/E1, dated 04.12.2012 and quash the same as illegal.



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For Petitioner : M/s.J.Jeyakumaran
For R-1 & R-2 : M/s.N.Ramesh Arumugam
Government Advocate
For R-3 : M/s.Chellapandian

ORDER

The present Writ Petition has been filed challenging an order passed by the second respondent herein, under which, a fit person has been appointed to administer the petitioner Temple.

2. According to the learned Counsel for the petitioner, a fit person has been appointed, without issuing any notice to the Managing Committee or providing any opportunity to defend the said appointment of fit person. The learned Counsel for the petitioner has further contended that the Temple is under the administration of the members of Vishwa Karma Community, who are regularly conducting poojas and other rituals in the Temple for the past 500 years. Without issuing any



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notice or conducting any enquiry, the present impugned order has been passed, which is clearly in violation of principles of natural justice.

3. The learned Counsel for the petitioner had relied upon a judgment of this Court reported in **2015 (4) CTC 755**, in which the learned Single Judge of this Court has held that an appointment of a fit person replacing the existing trustees of a Temple would have civil consequences and unless they are put on notice and granted an opportunity of personal hearing before passing the impugned order, the same is in violation of the principles of natural justice. The learned Single Judge had relied upon a Division Bench judgment of this Court reported in **AIR 1985 Madras 341**.

4. In view of the above judgment and the facts of this case, this Court is inclined to allow the writ petition. The order impugned in the writ petition is set aside. The second respondent is at liberty to issue notice to the petitioner and pass orders, after giving due opportunity to the writ petitioner.



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5. With the above said observations, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

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Index : Yes / No
Internet : Yes / No
btr

To

- 1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
Nungampakkam,
Chennai.
- 2.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Tirunelveli District.



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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.15153 of 2013

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