



WEB COPY

W.P(MD).No.2409 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P (MD) .No.2409 of 2022

and

WMP (MD) Nos.2081 & 2084 of 2022

1.P.C.Chandran

2.Krishnan

... Petitioners

Vs .

1.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungampakkam High Road,
Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Madurai,
Madurai District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Madurai,
Madurai District.

4.The Inspector,
Hindu Religious and Charitable Endowments,
Madurai North,
Madurai District.

5.Mahalingam

6.Kulandhai Selvan

7.R.Murugan

8.M.Venkatesan

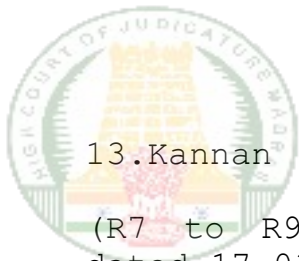
9.M.Pandi

10.R.Vijayakumar

11.S.Sureshkumar

12.M.Mookusamy

<https://hcservices.ecourts.gov.in/hcservices/>



13.Kannan

...Respondents

(R7 to R9 are impleaded vide Court order, dated 17.03.2022 in W.M.P(MD).No.3992 of 2022, R10 is impleaded vide court order, dated 30.03.2022 in WMP(MD)No.4372 of 2022, R11 to R13 is impleaded vide Court order, dated 30.03.2022 in W.M.P(MD).No.4401 of 2022)

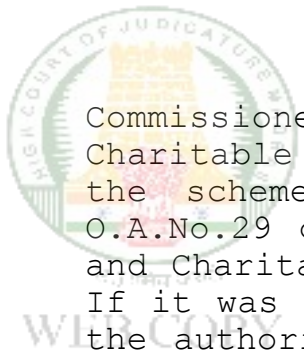
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 and 3 to ensure that only the Hereditary Trustees appointed as per Section 63(b) of the Tamil Nadu Hindu Religious and Charitbale Endowments Act, 1959 are continuing the management of the Arulmigu Sri Sonai Karuppanna Swamy Temple, Kovilpappakudi, Madurai District and conducting festivals in the light of the orders in Na.Ka.No.3040/2020-2/A4 dated 30.06.2021 and the consequential orders in Na.Ka.No.3040/2020/A4 dated 13.09.2021 and 13.12.2021 passed by the third respondent within the time stipulated by this Court.

For Petitioner: Mr.M.Mahaboob Fazil
For R1 to R4 : Mr.P.Subbaraj
Special Government Pleader
For R6 : Mr.C.Guhaseelarupan
For R7 to R9 : Mr.M.Saravanan
For R10 : Mr.S.Vellaichamy
For R11 to R13 : Mr.R.J.Karthick

ORDER

This writ petition has been filed for a writ of Mandamus to direct the respondents 2 and 3 to ensure that only the Hereditary Trustees appointed as per Section 63(b) of the Tamil Nadu Hindu Religious and Charitbale Endowments Act, 1959 continue in the management of the Arulmigu Sri Sonai Karuppanna Swamy Temple, Kovilpappakudi, Madurai District and conduct festivals in the light of the orders in Na.Ka.No.3040/2020-2/A4, dated 30.06.2021 and the consequential orders in Na.Ka.No.3040/2020/A4, dated 13.09.2021 and 13.12.2021 passed by the third respondent.

2. It is the specific case of the petitioner that a scheme decree was passed in O.A.No.29 of 1977, vide order dated 12.12.1977. However, the aforesaid scheme decree is being violated by the private respondents, herein by dominating the affairs of the temple. On the other hand, private respondents submit that the scheme decree was obtained behind the back the members of the community and therefore, it is not binding on them. In any event, it is submitted that the 'Mariyathikarargal', who are maintaining the temple have also filed O.A.No.19 of 2021, which is pending before the Joint



Commissioner under Section 64 (1) of the Hindu Religious and Charitable Endowments Act, 1959. It is further submitted that though the scheme decree was passed on 12.12.1977, 45 years back in O.A.No.29 of 1977 by the then Deputy Commissioner, Hindu Religious and Charitable Endowments Department, it has not been given effect. If it was the case for the parties to bring it to the knowledge of the authorities for appointment of fit person under the provisions of the Hindu Religious and Charitable Endowments Act, 1959. Be that as it may, as long as the aforesaid scheme decree in O.A.No.29 of 1977, is in force, the petitioner and also the private respondents and the official respondents are bound by the same.

3. Under these circumstances, I dispose this writ petition by directing the Joint Commissioner to dispose O.A.No.19 of 2021, in which the petitioners have impleaded themselves as respondents. This exercise shall be carried out by the second respondent within a period of six months from the date of receipt of copy of this order. The second respondent is therefore directed to pass appropriate orders in accordance with law keeping in mind the provisions of the Hindu Religious and Charitable Endowments Act, 1959 and Constitution of India and other enactments that are applicable. No costs. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (RTI)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungampakkam High Road,
Chennai-34.

2.The Joint Commissioner,
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Madurai District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Madurai,
Madurai District.



4.The Inspector,
Hindu Religious and Charitable Endowments,
Madurai North,
Madurai District.

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+1 CCToM/s.C.GUHASEELARUPAN, Advocate (SR-15442[F] dated 30/03/2022)

+1 CC to M/s.M.SARAVANAN, Advocate (SR-15756[F] dated 31/03/2022)

+1 CC toM/s.T.LAJAPATHI ROY, Advocate(SR-15978[F] dated 01/04/2022)

ORDER MADE IN
W.P (MD) .No.2409 of 2022
30.03.2022

PKP/16.05.2022/4P/8C