



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.02.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.3640 of 2022

and

W.M.P. (MD) Nos.3176 and 3178 of 2022

AR.CT.Narayanan

... Petitioner

/vs./

1.The Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Department,
119, Gandhi Salai, Nungambakkam,
Chennai.

2.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Department,
Sivagangai.

3.M.Lakshmanan Chettiar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to Se.Mu.Na.Ka.No.4486/2021 A2 Date 16.02.2021 from the file of the 1st respondent and to quash the selection of L.M.Lakshmanan and appointing/recognizing the petitioner as the hereditary trustee for S.V.M family for the year of 2022-23 for the petition temple.

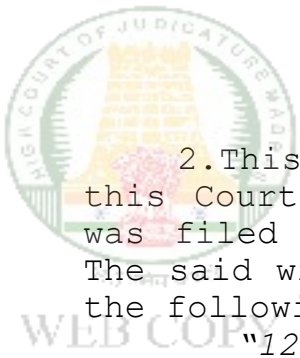
For Petitioner : Mr.S.Madhavan

For R1 & R2 : Mr.P.Subbaraj
Special Government Pleader

For R3 : Mr.Sithirai Anantham

ORDER

After hearing the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 and 2 and the learned counsel for the 3rd respondent, this writ petition is disposed of.



2.This is the third attempt by the members of the family before this Court. Earlier, a writ petition in W.P.(MD) No.12405 of 2020 was filed by M.Meenakshi Sundaram Chettiar and other two persons. The said writ petition was dismissed by order dated 28.09.2020 with the following directions:-

"12.In the affidavit filed in support of this writ petition, the petitioners have nowhere pleaded that they are the senior most male members of the respective Karai. They only claim that they were elected. When the scheme of administration is governing the field, the parties cannot on their own give a go-bye to the same. The rights of the petitioners will have to be predicated only on the terms of the scheme. The petitioners are unable to rest their case on the scheme requirements. No case has been made out for issuing writ as prayed for."

3.Thereafter, the 3rd respondent was appointed, vide impugned order dated 16.02.2021. In the light of the above order, a representation was given by one late.Krishnan and since the said representation was not disposed of, W.P.(MD) No.7754 of 2021 was filed. After considering the submission of the rival parties, which included the 3rd respondent herein, the said writ petition was disposed of, by order dated 09.04.2021 with the following directions:-

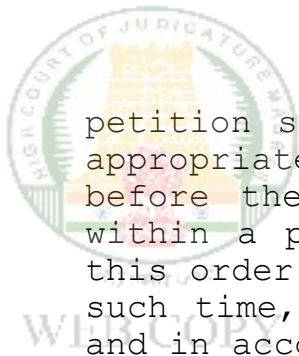
"5. The petitioner is directed to make a fresh representation to the first respondent enclosing all the relevant documents along with a copy of this order."

6. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petitions are closed."

4.After the aforesaid order was passed, the petitioner therein, S.Krishnan, has died on 12.06.2021 at the age of 64 years. Hence, a fresh representation was given by the petitioner herein stating that the appointment of the 3rd respondent, vide impugned order dated 12.06.2021, was bad in law. The petitioner's representation has not received any attention and hence, this writ petition has been filed.

5.The said representation has been given to the 1st respondent without challenging the order dated 16.02.2021, though an earlier occasion, this Court has directed late.S.Krishnan, to file a petition before the 1st respondent/The Commissioner, HR & CE, Chennai. It is noticed that the petitioner has an alternate remedy under Section 114 of the HR & CE Act, 1959 (herein after referred to as Act).

6.Considering the fact that the petitioner has asked for a Mandamus to direct the 1st respondent to pass orders on the representation of the petitioner dated 29.09.2021, this writ



petition stands disposed of, by directing the petitioner to file a appropriate petition against the impugned order dated 16.02.2021 before the appropriate authorities under Section 114 of the Act, within a period of 15 days from the date of receipt of a copy of this order. In case, such petition is filed by the petitioner within such time, the authorities shall pass appropriate orders on merits and in accordance with law on the same preferably within a period of 30 days therefrom. It is needless to state that before passing such orders, the 3rd respondent and other members of the family shall also be heard. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Department,
119, Gandhi Salai, Nungambakkam,
Chennai.

2.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Department,
Sivagangai.

+1 CC to M/s.S.SITHIRAI ANANDAM, Advocate (SR-9067[F] dated
28/02/2022)

+1 CC to M/s.SPL GP (SR-9173[F] dated 01/03/2022)

W.P. (MD) No.3640 of 2022
28.02.2022

MGJ(17.03.2022) 3P 5C