



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2022

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

W.P.(MD)No.3802 of 2021

WEB COPY

Vairamuthu Chettiyar

.. Petitioner

Vs

The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Trichy.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to appoint the petitioner as Hereditary Trustee of the Arulmigu Alaga Nachi Amman Karuppanna Samy-Mariyamman, Bhagavathi Amman, Vinayagar and Perumal-Thirukkovilkal, situated at Old Jeyangkonda Cholapuram (Post), krishnarayapuram (Tk), Karur District by considering his representation, dated 25.11.2015.

For Petitioner

: Mr.R.Murugappan

For Respondent

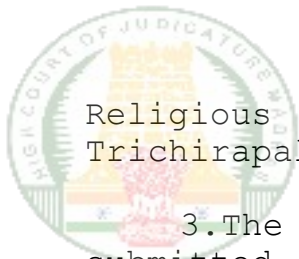
: Mr.P.T.Thiraviam

Government Advocate

ORDER

This writ petition has been filed seeking mandamus to direct the respondent to appoint the petitioner as Hereditary Trustee of the Arulmigu Alaga Nachi Amman Karuppanna Samy-Mariyamman, Bhagavathi Amman, Vinayagar and Perumal-Thirukkovilkal, situated at Old Jeyangkonda Cholapuram (Post), Krishnarayapuram (Tk), Karur District by considering his representation, dated 25.11.2015.

2.The petitioner had sent a representation to the respondent, dated 25.11.2015. From the representation, it is seen that one Maruthai Chettiyar was recognized as Hereditary Trustee by the Deputy Commissioner, Hindu Religious and Charitable Endowment Department, Trichirapalli, in Ni.Mu.10059/74 dated 31.10.1974. On 02.10.1997, Maruthai Chettiyar had passed away. Thereafter, one Vairamuthu Chettiyar and P.Balakrishnan Chettiyar acted as Hereditary Trustee and they are looking after the temple. P.Balakrishnan Chettiyar had passed away on 22.12.2013. Thereafter, the petitioner one of the legal heirs of Maruthai Chettiyar. Hence, he had sent a representation to the respondent to declare him as Hereditary Trustee of the Arulmigu Alaga Nachi Amman Karuppanna Samy-Mariyamman, Bhagavathi Amman, Vinayagar and Perumal-Thirukkovilkal, situated at Old Jeyangkonda Cholapuram (Post), krishnarayapuram (Tk), Karur District. In support of his contention, the petitioner had also produced the board order No.454, dated 09.03.1938, passed by the Assistant Commissioner, Hindu



Religious and Charitable Endowment (Administration) Department,
Trichirapalli.

3.The learned Government Advocate appearing for the respondent submitted that the petitioner had sent a representation to the Commissioner, Hindu Religious and Charitable Endowment Department, Trichy, on 25.11.2015 and thereafter, it has been forwarded to the Joint Commissioner, Hindu Religious and Charitable Endowment Department, Trichy. He further submitted that sending a representation would not suffice and if the petitioner needs to be declared as a Hereditary Trustee, he has to file an appropriate petition under Section 63 (b) of Hindu Religious and Charitable Endowment Act before the Jurisdictional joint commissioner.

4.Considering the submission, it is seen that the petitioner had sent a representation on 25.11.2015 and thereafter nothing is happening. Now, it would not be proper for the concerned Joint Commissioner to declare the petitioner as Hereditary Trustee, without following procedures contemplated under Hindu Religious and Charitable Endowment Act. Hence, the petitioner has to file an original application before the Joint Commissioner to declare the petitioner as Hereditary Trustee.

5.Hence, this petition is dismissed and liberty is given to the petitioner to approach the Joint Commissioner, Hindu Religious and Charitable Endowment Department, Trichy, in the manner known to law. There shall be no order as to costs.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

Vsg

To:

The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Trichy.

+1 CC to M/s.SPL.GP (SR-24591[F] dated 08/06/2022)

W.P. (MD)No.3802 of 2021
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NSN(CO)
KB(27.06.2022) 2P 3C