



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.4017 of 2022

and

W.M.P. (MD) Nos.3441 and 3446 of 2022

WEB COPY

- 1.D.Balaguru
- 2.R.Ganesan
- 3.S.Shanmugamutharasappan
- 4.C.Mahalakshmi
- 5.CPMS.VP.Subashini
- 6.M.Kannan

... Petitioners

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai.

- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.

... 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 relating to the impugned proceedings of the second respondent in Na.Ka.No. 7021 /2021 /A1, dated 10/02/2022 and quash the same and consequently direct the second respondent to record the names of the new hereditary trustees to Aulmighu Kottai Mariamman Thiukoil, Dindigul Town, Dindigul.

For Petitioners : Mr.VR.Shanmuganathan
For Respondents : Mr.P.Subbaraj,
Special Government Pleader.

ORDER

Heard the learned counsel for the petitioners and the learned Special Government Pleader for the respondents.

2.The issue has been already decided in the context of Section 15(1) of the Hindu Religious and Charitable Endowments Act, 1959 (formerly Madras Act, XXII of 1959) in O.S.No.55 of 1959, wherein it has been held as under:-

"All the requirements necessary to constitute the trustee to be a hereditary trustee are thus amply



satisfied and the plaintiffs should therefore be held to be hereditary trustees as contemplated under Sec.6(11) of the Madras Act XXII of 195. I therefore answer this issue in favour of the plaintiffs."

3.The aforesaid judgment of the Civil Court in O.S.No.55 of 1959 was affirmed by the Court by its judgment and decree dated 06.03.1978 in A.S.No.48 of 1975. Therefore, there is no merits in the challenge to the impugned proceedings of the second respondent in Na.Ka.No.7021/2021/A1, dated 10.02.2022. The petitioners are however given liberty to file a revision petitions before the first respondent within a period of **fifteen days** from the date of receipt of a copy of this order.

4.The impugned order therefore shall remain suspended for a period of **sixty days** from the date of receipt of a copy of this order or upto the disposal of the proposed revision petitions to be filed by the petitioners under Section 21 of the Act, whichever is earlier. If such applications are filed within such time, the Commissioner shall endeavour to pass final order preferably within a period of thirty days from date of filing of such applications.

5.I am therefore inclined to dispose of this writ petition by directing the petitioners to work out their alternative remedy under Section 21 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, by filing suitable applications before the Commissioner within a period **fifteen days** from the date of receipt of a copy of this order against the impugned proceedings of the second respondent in Na.Ka.No.7021/2021/A1, dated 10.02.2022.

6.This writ petition is disposed of with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ias

To:

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai.

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



2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.

Copy to

The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.SPL GP (SR-10336[F] dated 07/03/2022)

W.P. (MD) No.4017 of 2022
04.03.2022

KS (CO)

KB (17.03.2022) 3P 5C