



WEB COPY

W.P(MD) No.16310 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2022**

CORAM:

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

W.P. (MD) No.16310 of 2019

and

W.M.P. (MD) No.12976 of 2019

Manikandan

... Petitioner

/vs./

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road,
Chennai.
 - 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Mayiladuthurai,
Thanjavur District.
 - 3.Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Kumbakonam.
 - 4.The Executive Officer,
Arulmigu Sundareswar Thirukoil,
Koranattukaruppur,
Thanjavur District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to pass orders in Na.Ka.65/2019/Aa1 pending on his file for declaring the petitioner as hereditary trustee of the Arulmighu Sri Viswanathaswamy Temple, Anakkudi Village, Thriuvidaimaruthur Taluk, Thanjavur District and register the same in records of the respondents within a time frame fixed by this Court.

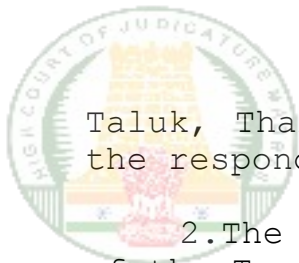
For Petitioner : Mr.S.Madhavan

For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader

For R4 : No appearance

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the 2nd respondent to pass orders in Na.Ka.65/2019/Aa1 for declaring that the petitioner is a Hereditary Trustee of Arulmighu Sri Viswanathaswamy Temple, Anakkudi Village, Thriuvidaimaruthur



Taluk, Thanjavur District and register the same in the records of the respondents.

2.The petitioner has filed an application under Section 54(1) of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 before the 2nd respondent to recognize the petitioner as the Hereditary Trustee, after the petitioner's father, namely, A.R.Swaminathan, passed away on 04.03.2018. The said application has been numbered as Na.Ka.65/2019/Aa1. Though there is no mandatory requirement for recognizing the Hereditary Trustee once there is a vacancy, nevertheless the case of the petitioner for appointing him as Hereditary Trustee warrants an order.

3.Considering the fact that a Fit Person has been appointed after the vacancy arose, I am inclined to dispose of this writ petition by directing the 2nd respondent to consider and pass appropriate orders on the petitioner's application in Na.Ka.65/2019/Aa1 dated 26.12.2018 within a period of 6 weeks from the date of receipt of a copy of this order.

4.The writ petition stands disposed of, in terms of the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Mayiladuthurai, Thanjavur District.

3.Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Kumbakonam.

+1 CC to M/s.SPL GP (SR-12160[F] dated 15/03/2022)

W.P. (MD) No.16310 of 2019
14.03.2022

MGJ(25.03.2022) 2P 5C

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