

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.16883 of 2022
and
W.M.P.(MD).No.12296 of 2022

S.P.Murugesan

... Petitioners

Vs.

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department,
Madurai.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department,
Virudhunagar.
- 3.The Fit Person,
Arulmigu Singathirulappa Swamy Thirukoil,
Pudupalayam,
Rajapalayam,
Virudhunagar District.
Having charge in Arulmigu Mayuranathaswamy Thirukoil,
Pethavanallur,
Rajapalayam,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in pursuant to the impugned communication passed by the third respondent dated 09.07.2022 and to quash the same as illegal.

For Petitioner : Mr.S.Madhavan

For R-1 and R-2 : Mr.M.Lingadurai
Special Government Pleader

For R-3 : Mr.P.Mahendran

ORDER

The petitioner claims to be the trustee of Arulmigu Singathu Irulappaswamy Thirukoil situated at Pudupalayam, Rajapalayam, Virudhunagar District filed this petition to quash the impugned order dated 09.07.2022 passed by the third respondent.

2. The contention of the petitioner is that the said temple was managed as per the scheme ordered by the Deputy Commissioner, Hindu Religious and Charitable Endowment Department in O.A.No.31 of 1986 dated 31.03.1987. As per the scheme, the temple shall be administered by one or more trustees not less than five members chosen by Vellalar community of Pudupalayam Village. The trustee shall elect one among themselves as Chairman Board of trustees who will hold office for a period of three years. The Chairman Board of trustees shall be responsible for all the properties belonging to the temple,

both movable and immovable, including the records, registers, accounts, stores and grains and for the day to day administration and also for conduct of festivals. The said Chairman Board of trustees shall be the person entitled to receive all moneys and other income of the temple and grant receipts and make disbursement on behalf of the temple. He would also be responsible for proper maintenance of all registers and accounts. Further the period of trusteeship is for three years and a scheme has been formulated with 13 conditions. This being so, the second respondent appointing the third respondent as fit person is not proper. Hence, one Ramraj filed a Revision Petition in R.P.No.2 of 2022 before the Joint Commissioner, Hindu Religious and Charitable Endowment, Department, Madurai. He further submitted that along with the Revision Petition, he had filed Interlocutory Application, seeking stay of appointment of fit person. The Revision Petition filed during June 2022 is yet to be taken up for adjudication. Hence, the petitioner seeks a direction directing the first respondent to conclude the R.P. proceedings to be completed within a stipulated period.

3. The learned Special Government Pleader appearing for the first and second respondents submitted that the impugned order came to be passed after finding mismanagement in the temple affairs. As per the scheme, the

Vellalar community people belonging to Pudupalayam Village alone shall be chosen as trustees and it should be done by way of election and thereafter the same to be forwarded to the authorities for approval. Further in this case, it is not done so. Belatedly, certain names forwarded. On verification, it was found that these names by the Inspector of H.R and C.E, Rajapalayam department not proper. On verification, it was found that five names of trustees were not elected by Pudupalayam Village people. Further on verification, it was also found that the temple pooja not conducted properly. The electricity connection obtained in the names of a individual. Further, the names of the donars found removed, several articles presented by donars found missing. The articles received from the donars not properly accounted, the tamarind trees in the temple premises were cut without obtaining proper permission. The devotees are given separate plastic Hundiyls and the amount is collected by the management separately and the accounts not properly maintained, the details of the amounts collected by renting the vessels of the temple are not properly accounted. Hence to set right the administrative deficiencies, a Fit Person appointed to the temple, to improve the administration of the temple, a fit person appointed as stop gap arrangement, by order dated 12.05.2022. It is made clear that the fit person is only for a limited period, till the regular trustees are elected and appointed as per the

scheme. The first and second respondents further state that any doubt or ambiguity arising in respect of any provisions of the scheme, shall be decided by the appropriate authorities. Further as per the scheme, the trustees is to report about the functioning of the temple, its properties and income regularly to the authorities. In this case, it has not been done. Hence, he pleaded to dismiss the Writ Petition.

4. The learned counsel appearing for the third respondent submitted that in pursuant to the impugned order, one Raja, Executive Officer, Arulmigu Mayuranathasamy Temple, Rajapalayam had assumed charge on 27.07.2022 and reported the same to the first and second respondents on 28.07.2022. It is further submitted that earlier notice were issued to the trustees on 09.06.2022 and 09.07.2022 requesting for handing over of charges, since the erstwhile trustees not come forward to hand over charges, hence the said Executive Officer assumed charge as fit person. The entire records yet to be handed over to the fit person. The fit person would take appropriate steps including to approach the Magistrate under Section 101 and obtain orders.

5. I have considered the matter in the light of the submissions made by learned counsels for all the parties and perused the records.

6. Perusal of the records reveals that the petitioner now restricts his prayer, seeking direction to the first respondent to conclude R.P.No.2 of 2022 within a stipulated period. In view of the same, the first respondent is directed to complete the enquiry in R.P.No.2 of 2022 and connected petitions within a period of six (6)months from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

29.07.2022

Index : Yes / No
Internet : Yes/ No
Nsr

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