



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) Nos.2604 of 2018 6513 of 2019

and

W.M.P.(MD) No.5203 of 2019

WEB COPY

In W.P. (MD) No.2604 of 2018:-

S.Muthusamy

... Petitioner

/vs./

1.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Tuticorin.

2.The Thakkar/Executive Officer,
Mahaganapathy @ Unmai Vinayagar Kovil,
Eral, Tuticorin District.

3.D.Alagu Ramakrishnan

(R3 has been impleaded
vide order dated 09.03.2022)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to hand over the charge of administration of Mahaganapathy @ Unmai Vinayagar Kovil, Eral to the Board of Trustees, by implementing the order of 1st respondent dated 03/08/2017.

For Petitioner	: Mr.H.Arumugam
For R1	: Mr.P.T.Thiraviam
	Government Advocate
For R2	: Mr.M.Muthugeethayan
For R3	: Mr.M.P.Senthil

In W.P. (MD) No.6513 of 2019:-

S.Muthusamy

... Petitioner

/vs./

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Tirunelveli.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Tuticorin.



3.The Thakkar/Executive Officer,
Mahaganapathy @ Unmai Vinayagar Kovil,
Eral, Tuticorin District.

4.T.Alagu Ramakrishnan

5.P.Kalimuthu

6.A.Ayya Pillai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records related to the impugned order of the 2nd respondent in Na.Ka.No.242/2010-1/A1 dated 27.02.2018 and quash the same and consequently direct the respondents to hand over the charge of administration of Mahaganapathy @ Unmai Vinayagar Koil, Eral to the petitioner, who is the elected Chairman of Trustees of the said Temple.

For Petitioner	: Mr.H.Arumugam
For R1 & R2	: Mr.P.T.Thiraviam
	Government Advocate
For R3	: Mr.M.Muthugeethayan
For R4	: Mr.M.P.Senthil

COMMON ORDER

By these common order, these writ petitions are disposed of.

2.In W.P.(MD) No.2604 of 2018, the petitioner has prayed for a Mandamus to direct the respondents to hand over the charge of administration of Mahaganapathy @ Unmai Vinayagar Kovil, Eral to the Board of Trustees, by implementing the order of 1st respondent/The Assistant Commissioner, Hindu Religious and Charitable Endowment Department, Tuticorin, who is the 2nd respondent in W.P.(MD) No.6513 of 2019, dated 03.08.2017.

3.In W.P.(MD) No.6513 of 2019, the petitioner has prayed for cancellation of the impugned order of the 2nd respondent/The Assistant Commissioner, Hindu Religious and Charitable Endowment Department, Tuticorin, who is the 1st respondent in W.P.(MD) No.2604 of 2018, dated 27.02.2018.

4.By the impugned order dated 27.02.2018, the Assistant Commissioner, Hindu Religious and Charitable Endowment Department, Tuticorin, has recalled the order dated 03.08.2017 passed by the then Assistant Commissioner, Tuticorin based on the report of the HR & CE dated 05.02.2018. It is noticed that the tenure of a non-hereditary trustee pursuant to the order dated 03.08.2017 has expired and therefore, there is no meaning in keeping the writ



petitions pending.

5.Further, it is noticed that the 4th respondent in W.P.(MD) No.6513 of 2019, who has been newly impleaded as 3rd respondent in W.P.(MD) No.2604 of 2018 today, has initiated proceedings before the Assistant Commissioner, HR & CE, against the decision of the erstwhile Assistant Commissioner, dated 03.08.2017.

6.Considering the fact that the tenure of a non-hereditary trustee is only for 2 years, there is no necessity to pass any fresh orders in these writ petitions due to efflux of time. However, in the fitness of thing, it would be appropriate to direct the Assistant Commissioner, Hindu Religious and Charitable Endowment Department, Tuticorin, to conduct a fresh election, in terms of Section 7A(v) of the Hindu Religious & Charitable Endowment Act, 1959.

7.In view of the above, the Assistant Commissioner, Hindu Religious and Charitable Endowment Department, Tuticorin, who is the 1st respondent in W.P.(MD) No.2604 of 2018 and is the 2nd respondent in W.P.(MD) No.6513 of 2019, is directed to conduct a fresh election and complete the process of the same, within a period of 3 months from the date of receipt of a copy of this order. The Fit Person shall take charge of the affairs of the temple and shall continue to manage the affairs of the temple, till the new elected board of trustees are elected.

8.These writ petitions stand disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Tirunelveli.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Tuticorin.



3.The Thakkar/Executive Officer,
Mahaganapathy @ Unmai Vinayagar Kovil,
Eral, Tuticorin District.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-11002[F] dated 10/03/2022)

WEB COPY

+1 CC to M/s.SPL GP (SR-11158[F],11170 dated 10/03/2022)

+1 CC to Mr.H.Arumugam(SR-11363[F] dated 10/03/2022)

+1 CC to Mr.M.Muthugeethayan(SR-11032dated 10/03/2022)

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NSN(CO)

KB(24.03.2022) 4P 8C