



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. (MD)No.22910 of 2022

and

W.M.P (MD) .No.17026 of 2022

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Thanneermalai

... Petitioner

Vs.

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

2. Arulmigu Karpaga Vinayagar Temple,
Represented by its present Trustees,
Pillaiyarpatty,
Sivagangai District.

3. L.Chokkalingam @ Thondar Chona

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus forbearing the 1st Respondent from appointing the 3rd Respondent as one of the trustees to the 2nd Respondent Temple based on the representation dated 06.09.2022 and consequently directing the 1st Respondent to ensure the appointments of the trustees to the 2nd Respondent Temple are made according to the qualifications prescribed under the Chapter-III of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.M.Prakash
Addl. Govt. Pleader for R1
Mr.V.R.Shanmuganathan for R2

O R D E R

This Writ Petition has been filed to forbear the 1st Respondent from appointing the 3rd Respondent as one of the trustees to the 2nd Respondent Temple, based on the representation dated 06.09.2022 and consequently direct the 1st Respondent to ensure the appointments of the Trustees to the 2nd Respondent Temple are made according to the qualifications prescribed under Chapter-III of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.



2. Mr.M.Prakash, learned Additional Government Pleader, as notice for the 1st Respondent and Mr.V.R.Shanmuganathan, learned counsel, takes notice for the 2nd Respondent.

3. It is submitted by the learned counsel for the Petitioner that the 3rd Respondent may not be eligible to be appointed as a Trustee to the 2nd Respondent Temple as he is alleged of having a criminal background and that the 3rd Respondent facing same charges simultaneously in S.T.C.No.1673 of 2018 on the file of the Judicial Magistrate Court, Sivakasi and S.T.C.No.339 of 2022 on the file of Special Judicial Magistrate No.II Court (Cheque Cases), Madurai and that both the cases are pending. The same had also been set out before the 1st Respondent, vide representation dated 06.09.2022.

4. It is submitted by the learned Additional Government Pleader for the 1st Respondent that the representation would be considered in accordance with law after hearing both sides.

(*)5. In view of the same, the representation of the petitioner dated 06.09.2022 shall be considered and disposed of by the first respondent before the third respondent is selected as a trustee. The second respondent shall endeavour to send the proposal at the earliest, so that the first respondent would have adequate time to dispose of the petitioner's representation along with the proposal before the third respondent's name is recorded by the first respondent as a trustee in terms of Section 54 of the Hindu Religious and Charitable Endowment Act. This Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

(*)Modified as per the order dated 26.10.2022 in W.P.(MD)No.22910 of 2022

Sd/-

Assistant Registrar (RTI)

// True Copy //

/10/2022

Sub Assistant Registrar(CS)

vji

To

(*) To be substituted to the order already despatched on 19/10/2022

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

<https://www.mhc.tn.gov.in/judis>



W.P.(MD)N



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+1 CC to M/s.I.PINAYAGASH, Advocate (SR-47844[F] dated 29/09/2022)

+1 CC to M/s.SPL.GP (SR-48182[F] dated 30/09/2022)

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29.09.2022

RD(27/10/2022) 3P 4C