



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2022

CORAM

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.17701 of 2018

and

W.M.P(MD) Nos.15586 to 15588 of 2018

D.Rajan

... Petitioner

Vs.

1.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Thanjavur.

2.The Executive Officer,
Arulmighu Kandeswarar Swamy Temple,
Tamaramkottai,
Pattukottai Taluk, Thanjavur District.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Thanjavur.

(R3 impleaded vide Court order dated
23.02.2022 in W.M.P(MD).No.21143 of
2018)

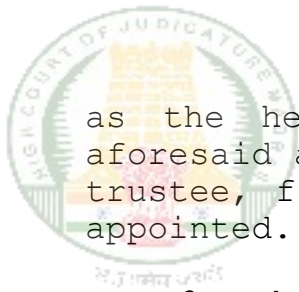
...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of certiorari, calling for the records of the first respondent in Ref.Se.Mu.Na.Ka.No.5209/2017/A6, dated 05.12.2017 quash the same as illegal and arbitrary and unenforceable.

For Petitioner	: Mr.V.K.Vijayaragavan
For R1 & R3	: Mr.P.Subbaraj
	Special Government Pleader
For R2	: Mr.V.Chandrasekar

ORDER

The learned counsel for the petitioner submits that the petitioner is the hereditary trustee of the temple and the Poojari and therefore the drastic steps taken in the impugned order of the first respondent, dated 05.12.2017 under Section 49 of The Hindu Religious and Charitable Endowment Act, was unwarranted. The learned counsel for the petitioner further submits that the petitioner had filed an application in O.A.No.5 of 2017 to declare the petitioner



as the hereditary trustee and that during the pendency of the aforesaid application for declaring the petitioner as the hereditary trustee, fit person, namely, the second respondent herein cannot be appointed.

2. The learned counsel for the respondents, however, submits that the issue as to whether the petitioner as a hereditary trustee or poojari can be decided by the Joint Commissioner in O.A.No.5 of 2017 and therefore writ petition is liable to be dismissed.

3. I have considered the arguments advanced by the learned counsel for the petitioner and learned Special government Pleader for the respondents 1 to 3 and learned counsel for the second respondent.

4. The fact of the matter is that the petitioner has himself approached the Joint Commissioner in O.A.No.5 of 2017 for declaring himself to be the hereditary trustee of the temple.

5. Considering the same, I am inclined to dispose the writ petition by directing the third respondent Joint Commissioner who has been impleaded today to consider and pass appropriate orders in O.A.No.5 of 2017 within a period of four weeks from the date of receipt of copy of this order. Pending such decisions in the aforesaid proceedings, the *status quo* as on date shall continue. The rights of the petitioner will be subjected to order to be passed by the third respondent. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Thanjavur.

2.The Executive Officer,
Arulmighu Kandeswarar Swamy Temple,
Tamaramkottai,
Pattukottai Taluk, Thanjavur District.



3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Thanjavur.

+1 CC to M/s.SPL GP (SR-8380[F] dated 24/02/2022)

+1 CC to M/s.V.K.VIJAYARAGAVAN, Advocate (SR-8869[F] dated
25/02/2022)

W.P(MD) .No.17701 of 2018
23.02.2022

SN
MS/25.03.2022/3P.6C