



WEB COPY

W.P(MD).No.24081 of 202



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD).No.24081 of 2022

and

W.M.P(MD).Nos.18186 and 18187 of 2022

P.R.Muthu @ Muthaiah Pillai

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai-34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Pudukottai.
- 4.P.Kannan
- 5.S.Kasiviswanathan
- 6.K.Sembulingam,
- 7.S.Manikandan
- 8.M.Mahalingam

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st Respondent in his proceedings Muu.Mu.No.56015/2022/U4, dated 07.10.2022 and quash the



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same as illegal and without jurisdiction and consequently directing the Respondents 1 to 3 to conduct fresh election for appointment of non-hereditary trustees which shall expire on 23.10.2022 and in the meantime, appoint a Fit Person/Thakkar to conduct the consecration ceremony of Temple namely Arulmigu Maariamman Temple, Vambarampatti, Thirumayam Taluk, Pudukottai District scheduled to be conducted on 07.11.2022 between 9.00 a.m. to 10.15 a.m.

For Petitioner : Mr.B.Saravanan
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader
For R4 to R8 : Mr.Ramesh Mahadev

ORDER

The writ petition is filed challenging the impugned order, dated 07.10.2022, whereby, the 1st Respondent has granted permission to conduct election to the existing trustees, who are arrayed as Respondents 4 to 8 primarily on the premises that appointments were made on the basis of Scheme, dated 15.05.2014, which provided that there could be not less than 3 trustees and not more than 5 trustees being appointed. Pursuant thereto, on 04.09.2020, three trustees were appointed from Vallambar community while two were nominated by the Government.



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2. It is submitted by the learned counsel for the Petitioner that the tenure of those trustees, which commenced on 23.10.2020 would expire on 23.10.2022 i.e., after 2 years in terms of Section 47 of the Hindu Religious and Charitable Endowments Act. It was thus submitted that the impugned order granting permission to conduct Kumbabishegam festival on 07.11.2022, by which time, the tenure would expire in terms of Section 47 of the Hindu Religious and Charitable Endowments Act, is bad in law, inasmuch as it is contrary to Section 47 of the Hindu Religious and Charitable Endowments Act.

3. The learned Special Government Pleader for the Respondents 1 to 3, on instructions, submits that once the tenure expires on 23.10.2022, he is instructed that the Fit Person would be appointed in terms of Proviso to Section 47(1)(c) of the Hindu Religious and Charitable Endowments Act and the Respondents 4 to 8 would not to be permitted to function as trustees.

4. In view of the above, nothing survives for adjudication in the present writ petition. It is open to the Respondents 4 to 8 to carry on with the affairs



until the expiry of the tenure and thereafter, it is for the fit person, who would

be appointed thereafter to take appropriate measures for the conduct of Kumbabishegam festival, if he deems fit. The writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

19.10.2022

Index : Yes / No

Internet : Yes/ No

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To

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MOHAMMED SHAFFIQ, J.

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