



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.17727 of 2016

and

W.M.P. (MD) Nos.12767 and 12768 of 2016

WEB COPY

Veerasamy

... Petitioner

/vs./

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

2.The Fit Person/Executive Officer,
A/M Chokkanathasamy Temple,
Aruppukottai Town,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent dated 30/04/2016 in proceedings Se.Mu.Na.Ka.1814/2016-1 E3, quash the same as far as appointment of 2nd respondent as fit person of Arulmigu Kalyana Murugan Temple @ Arulmigu Nithyananda @ Malaiarasan Temple, as the same is contrary to Sec.54(2) of Act 22/1959 and consequentially appoint the petitioner's wife Dhanalakshmi as Hereditary Trustee.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

The petitioner has challenged the impugned order of the 1st respondent dated 30.04.2016 for the alleged violations committed by the petitioner.

2.It is noticed that the petitioner has died and therefore the learned counsel for the petitioner seeks time for initiating appropriate proceedings for bringing the legal heirs on record.

3.By the said order also, a Fit Person has been appointed, in view of the pending charge memo against the petitioner. Since the Fit Person was appointed, the petitioner's wife, namely V.Dhanalakshmi has also filed an application for recognizing her as the Hereditary Trustee under Section 54 (2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Considering the fact



that the petitioner has died, the proceedings initiated against the petitioner would abate.

4.Under these circumstances, the petitioner's wife and the other legal heirs, who are entitled to succeed, can make a representation before the authorities for recognizing them as the Hereditary Trustee. Hence, while quashing the impugned order, I direct the 1st respondent to consider the petitioner wife's application/representation dated 01.09.2016 and dispose of the same on merits and in accordance with law, as expeditiously as possible. In case, there are other legal heirs, who are entitled to succeed, they may also be heard before passing such orders.

5.The writ petition stands disposed of, in terms of the above observation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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

+1 CC to M/s.SPL GP (SR-16340[F] dated 04/04/2022)

W.P. (MD) No.17727 of 2016
01.04.2022

RD(19.04.2022) 2P 3C