



**W.P.(MD) No.25066 of 2022**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 04.11.2022**

**CORAM:**

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE  
and  
THE HON'BLE MR.JUSTICE R.MAHADEVAN**

**W.P.(MD) No.25066 of 2022  
and  
WMP(MD)No.19162 of 2022**

Pandidurai

... Petitioner

-VS-

- 1.The Joint Commissioner,  
Hindu Religious and Charitable Endowment Department,  
Sivagangai.
- 2.Arulmigu Karpaga Vinayagar Temple Devasthanam,  
Represented by its present trustees,  
Pillayarpaty,  
Sivagangai District.
- 3.Pillaiyarpaty Karpagavinayagar Nagarathar Trust,  
Represented by its present trustees,  
Pillaiyarpaty,  
Sivagangai District.
- 4.L.Chokkalingam

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to reject the nomination of the 3<sup>rd</sup> respondent in favour of the 4<sup>th</sup> respondent as one of the trustees to the 2<sup>nd</sup> respondent temple and consequently directing the 1<sup>st</sup> respondent to appoint any other Good honest person as Trustee of the 2<sup>nd</sup> respondent temple based on its scheme .

|                          |                                                          |
|--------------------------|----------------------------------------------------------|
| For Petitioner           | : Mr.N.Anantha Padmanabhan for<br>M/s.APN Law Associates |
| For Respondent No.1      | : Mr.J.Ashok<br>Additional Government Pleader            |
| For Respondent Nos.2 & 3 | : Mr.V.R.Shanmuganathan                                  |

### **ORDER**

**[Order of the Court was made by  
The Hon'ble The ACTING CHIEF JUSTICE]**

Mr.Pandidurai, son of S.KR.Durairaj, a staunch devotee and claiming to be a native resident of Velangudi Village, showing interest on the famous temple namely, Arulmigu Karpaga Vinayagar Temple, Pillayarpatty, has filed this writ petition for issuance of a Writ of Mandamus under Article 226 of the Constitution of India, directing the 1<sup>st</sup> respondent to reject the nomination of the 3<sup>rd</sup> respondent in favour of the 4<sup>th</sup> respondent as one of the trustees to the 2<sup>nd</sup>



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respondent temple, with a consequential direction to the 1<sup>st</sup> respondent to appoint any other good honest person as Trustee of the 2<sup>nd</sup> respondent temple based on its scheme.

2. Mr.N.Anantha Padmanabhan, learned counsel for the petitioner submitted that as per the scheme framed by the Deputy Commissioner in O.A.No. 74/1978, 16 families are eligible to administer the 2<sup>nd</sup> respondent temple through the 4<sup>th</sup> respondent Trust. Each year two families are jointly managing together based on the schedule given in the scheme framed by the Deputy Commissioner in O.A.No.74/1978. The 3<sup>rd</sup> respondent is a Trust which is a recommending body of the 2<sup>nd</sup> respondent Temple Devasthanam. While so, one of the trustees of the 2<sup>nd</sup> respondent temple namely, L.Chokkalingam, 4<sup>th</sup> respondent herein, has suffered a disqualification, because, he has been found guilty by an order passed by the learned Judicial Magistrate, Karaikudi, in STC.No.271/2016 dated 01.08.2018, for the reason that he failed to repay the loan amount to the complainant/Palaniappan. However, learned counsel for the petitioner would submit that the said amount also has been paid and the offence has been compounded, but the aforesaid order dated 01.08.2018 passed against the 4<sup>th</sup>



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respondent in STC.No.271/2016 dated 01.08.2018 clearly shows that the 4<sup>th</sup> respondent is not given clean chit and he has suffered a disqualification, because, he has been found guilty of offence under Section 138 of the Negotiable Instruments Act. Therefore, on that count, the 4<sup>th</sup> respondent is not entitled to continue as one of the trustees of the 2<sup>nd</sup> respondent Temple Devasthanam. Again, the 4<sup>th</sup> respondent has also given room for facing two other criminal cases in STC.No.1673/2018 on the file of the Judicial Magistrate Court, Sivakasi, and STC.No.339/2022 on the file of the Special Judicial Magistrate Court No.II, (Cheque Cases), Madurai, and the same are pending. Therefore, when the 4<sup>th</sup> respondent has been facing the aforesaid criminal cases, his continuance in the 2<sup>nd</sup> respondent Devasthanam as a trustee will not be in the interest of the temple. Therefore, he should be removed from the post of trustee, he pleaded.

3. Referring to Section 26(1)(h) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, he contended that when the above provision says that a proposed trustee should not have acted adverse to the interest of the religious institution, the order passed by the learned Judicial Magistrate, Karaikudi, in STC.No.271/2016 dated 01.08.2018 clearly depicts the conduct of



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the 4<sup>th</sup> respondent and therefore, he should not be allowed to continue as trustee of the 2<sup>nd</sup> respondent temple. Hence, the writ petition deserves to be allowed, he pleaded.

4. We have heard the learned counsel appearing on either side.

5. We do not find any justification in the writ petition filed by Pandidurai. Firstly, when Mr. Anantha Padmanabhan, learned counsel for the petitioner, drawing our notice to an order passed by the learned Judicial Magistrate, Karaikudi, in STC.No.271/2016 dated 01.08.2018, argued before us that one of the trustees of the 2<sup>nd</sup> respondent temple namely, the 4<sup>th</sup> respondent has suffered a disqualification, we are unable to espouse the said argument. The reason is, in the arguments advanced by Mr. Anantha Padmanabhan, he has clearly stated that the 4<sup>th</sup> respondent has compounded the offence by paying the entire cheque amount. Therefore, the said complaint cannot be pressed against the 4<sup>th</sup> respondent. When frivolous complaints are filed against the 4<sup>th</sup> respondent, without the finality and the result of such complaints, it is too far to say that the 4<sup>th</sup> respondent is found guilty. Therefore, on merits, we find no justification in the writ petition.



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**WEB COPY** 6. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**[T.R., A.C.J.] [R.M.D., J.]**  
**04.11.2022**

Index : Yes / No  
Internet : Yes / No  
bala/smn2

To

- 1.The Joint Commissioner,  
Hindu Religious and Charitable Endowment Department,  
Sivagangai.
- 2.The present trustees,  
Arulmigu Karpaga Vinayagar Temple Devasthanam,  
Pillaiarpatty,  
Sivagangai District.
- 3.The present trustees,  
Pillaiyarpatti Karpagavinayagar Nagarathar Trust,  
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**THE HON'BLE THE CHIEF JUSTICE**  
**and**  
**R.MAHADEVAN , J.**

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