



W.P.(MD)No.25305 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.25305 of 2022

V.Chidhambaram

... Petitioner

Vs.

1.The Commissioner,
HR & CE, Department,
Office of the Commissioner,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai 600 034.

2.The Joint Commissioner,
HR & CE, Department,
Office of the Joint Commissioner,
Srinivasa Nagar, Tiruvanaikoil,
Tiruchirapalli-5.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, directing the first respondent
herein to consider the representation dated 26.09.2022.

For Petitioner	:Muthiah.SI
For Respondents	:Mr.P.Subbaraj Special Government Pleader



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ORDER

This writ petition is filed praying for Writ of Mandamus, directing the first respondent to consider the representation dated 26.09.2022, requesting to invoke the powers in terms of Section 69(2) of the Hindu Religious and Charitable Endowments Act.

2.The petitioner is a devotee/worshipper of Arulmigu Malaiyandiswamy and Karruppuswamy Kovil in Kavalkaranpatti Village, Trichy. The said temple is under the control and supervision of the first and second respondents and presiding deities are being worshipped by the people from nearby villages. The office of the trustee of the above temple he is hereditary in nature. Originally Karuma Gounder was the hereditary trustee. Thereafter, the trusteeship devolved on his wives namely Chinnammal and Ponnammal and after the demise of Ponnammal, Chinnammal bequeathed her right to manage the properties in favour of Muthuveeralakappan, K.Soundarajan and Kiruthika. It appears that certain proceedings were initiated under Section 54(1) of the Hindu Religious and



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Charitable Endowment Act and also Indian Succession Act. It is further stated that Vinoth Kumar, who is the son of the Muthuveeralakappan, had obtained the order of hereditary trustee, after Muthuveeralakkapan has passed away. It is submitted that there is gross mismanagement of the temple and misappropriation noticed. Hence, the continuation of Vinoth Kumar as hereditary trustee and managing the affairs may not be in the best interest of the temple. In this background, the petitioner submitted a representation dated 26.09.2022, before the first respondent, requesting to invoke the powers in terms of Section 69(2) of the Hindu Religious and Charitable Endowments Act.

3.Mr.P.Subbaraj, learned Special Government Pleader, appearing on behalf of the respondents would submit that the above representation would be considered and orders passed thereon in accordance with law after taking into account all factors that are relevant.

4. Considering the submissions made on either side, this Court without expressing any opinion on the representation dated 26.09.2022,



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filed by the petitioner to be considered by the first respondent and pass orders in accordance with law, after affording a reasonable opportunity to the petitioner and other stake holders/interested parties, if any. It is open to the respondent to also reject the representation on the aspect of jurisdiction.

5.In view of the above, this writ petition is disposed of. No costs.

08.11.2022

Index : Yes / No

Speaking Order/Non-speaking order

sbn

To

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MOHAMMED SHAFFIQ, J.

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