



W.P.(MD)No.26553 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.26553 of 2022

1.K.Kaliammal
2.P.Sreenivasan
3.P.Kandan
4.P.Vetrivel
5.K.Sangilinathan

... Petitioners

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.

2.The Inspector,
Hindu Religious and Charitable Endowments Department,
Srivilliputhur.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the first respondent to pass orders on the application of the petitioners dated 19.07.2021 for recording them as hereditary trustee under Section 54(1) of HR and CE Act.



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For Petitioners : Mr.VR.Shanmuganathan
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This Writ Petition has been filed to direct the 1st respondent to pass orders on the application of the petitioners dated 19.07.2021 for recording them as hereditary trustee under Section 54(1) of HR and CE Act.

2.Mr.P.Subbaraj, learned Special Government Pleader, takes notice for the Respondents. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3.It is the submission of the learned counsel for the Petitioners that one Arulmighu Shivasubramania Swamy Thirukoil situated at Sivanthipatti, Srivilliputhur Taluk, Virudhunagar District, was administered by the Petitioners' forefathers. The petitioners' father Puthiyavan Pillai succeeded as Hereditary Trustee by virtue of order dated 13.07.1994. The Deputy Commissioner of HR and CE recorded the petitioner's father as Hereditary Trustee. After his demise, his eldest son, namely,



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Sivasankaranpillai succeeded to the office of hereditary trustee with the consent of other legal heirs including the petitioners. It is submitted that Sivasankaranpillai is now 84 years old and thus has difficulty in administration of the temple. As the legal heirs of Puthiyavan Pillai, the petitioners made an application dated 19.07.2021 before the first respondent to record them also as hereditary trustee of the said temple under Section 54 (1) of the Hindu Religious and Charitable Endowment Act. The respondents have not acted upon the representation submitted by the petitioners. Till date no orders is passed finally. Hence, the petitioners are before this Court by filing this writ petition.

4.It is the submission of the learned Special Government Pleader appearing for the respondents that the representation of the petitioners would be considered and order would be passed after affording an opportunity to the petitioners.

5.In view of the above submission and taking into consideration the facts and circumstances of the case and the limited prayer sought for by



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the petitioners, this Court is inclined to pass the following order:

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(i)The 1st respondent is directed to consider the representation of the petitioner dated 19.07.2021 and pass appropriate order after affording an opportunity of hearing to the petitioners as well as any other interested parties.

(ii)It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the 1st Respondent to consider the representation on its own merits.

6.With the above direction, the Writ Petition stands disposed of.

No costs.

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Index : Yes / No

Internet:Yes/No

Rmk

To

1.The Joint Commissioner,

Hindu Religious and Charitable Endowments Department,
Madurai.

2.The Inspector,

Hindu Religious and Charitable Endowments Department,
Srivilliputhur.



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MOHAMMED SHAFFIQ, J.

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