



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.14826 of 2017

and

W.M.P. (MD) Nos.11673 and 11674 of 2017

WEB COPY

R.Chinnadurai

... Petitioner

/vs./

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Nethaji Road, Madurai.

3.The Executive Officer,
Arulmigu Mahadevasamy Thirukoil,
Rajamill Road, Madurai-1.

4.The Fit Person,
Arulmigu Mahadevasamy Thirukoil,
Rajamill Road, Madurai-1.

5.V.Shivan

6.R.Saravanan Muthu

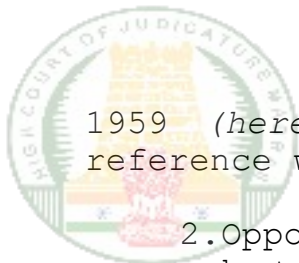
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned proceedings Vae.Aa.No.247 / 2017/Sae.Ma.Tho.A /Madurai dated 08.07.2017 of the 3rd respondent, which was published in Daily Newspaper namely Daily Thanthi on 10.07.2017 and quash the same.

For Petitioner	: Mrs.AL.Gandhimathi
For R1 & R2	: Mr.P.Subbaraj
	Special Government Pleader
For R3 & R4	: Mr.S.Manokar
For R5 & R6	: No appearance

ORDER

The petitioner has challenged the impugned publication calling for applications for appointment of Poojaries for the temple called Arulmigu Mahadevasamy Thirukoil, the 4th respondent herein on the ground that the appointment for Poojaries can be made only by the trustees or Poojaries in terms of Section 55 of the HR & CE Act,



1959 (herein after referred to as Act). In this connection, a reference was made to Section 55 of the Act.

2.Opposing the prayer, the learned counsel for the official respondents submits that though there is a scheme decree for appointment of trustees from the Vellala Community residing in the three villages of Virattipathu, Sithalangudi and Thiruvayanallur, the appointment of poojaries, the trustees can happen only if there are members in the Board of trust. However, the facts indicate that the Board of trustee have been superseded and the temple is administered by the Fit Person (Thakkar) and the Executive Officer of the 3rd respondent temple.

3.Therefore, there is no merits in the present writ petition. However, I give liberty to the petitioner to send appropriate representation to the respondents to ensure that in the next round of appointment, the Thakkar and the Executive Officers, who administer the affairs of the temple, appoint Poojaries in terms of Section 55 of the Act and thereby implement the scheme decree in O.A.No.30 of 1970.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Hindu Religious and Charitable Endowments Department, Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Nethaji Road, Madurai.

+1 CC to M/s.S. MANOHAR, Advocate (SR-19688[F] dated 20/04/2022)

+1 CC to M/s.SPL.GP. (SR-19727[F] dated 20/04/2022)

W.P. (MD) No.14826 of 2017

19.04.2022

NSN (CO)

KB(09.05.2022) 2P 5C

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