



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.16955 of 2017

and

M.P(MD).No.13523 of 2017

Soundarapandian

... Petitioner

Vs.

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

2.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department, Tiruchy.

3.The Fit Person,
A/m. Kannimaramman (Vagaiyara) temple,
Presently Executive Officer,
A/m. Sri Nallandavar Temple,
Manaparai, Tiruchy.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records in S.M.N.K.10605/2013/A1 dated 01.09.2017 appointing Fit Person in respect of A/m. Kannimar Amman Temple, Veerapur, Manaparai Taluk passed by the Joint Commissioner, HR& CE, Trichy.

For Petitioner: Mr.S.Madhavan

For R1 & R2 : Mr.P.Subbaraj
Special Government Pleader

For R3 : No Appearance

ORDER

The petitioner has challenged the impugned order passed by the second respondent/Joint Commissioner suspending the hereditary trustee, namely, R.Soundarapandian and R.Pon.Alagesan on account of the various charges. As a consequence of which the third respondent has been appointed as a fit person under Section 49 of the Hindu



Religious and Charitable Endowments Act, 1959.

2. The learned counsel for the petitioner submits that the office of the Hereditary Trustee is rotational. The alleged misdeeds were committed during the period when the other hereditary trustee was in charge of the temple. It is therefore submitted that the impugned order suspending the petitioner along with the other Hereditary Trustee was inappropriate. It is further submitted that even if the conduct of other Hereditary Trustee attracted the penal proceedings under the Hindu Religious and Charitable Endowments Act, 1959, the petitioner could have been allowed to continue as a hereditary trustee in terms of Section 54 (2) of the Hindu Religious and Charitable Endowments Act. It is therefore submitted that the impugned order is liable to be quashed.

3. Opposing the prayer, the learned Special Government Pleader for the respondents 1 and 2 submits that the charges against the petitioner and the other co-hereditary trustee are serious in nature and therefore, there is no merit in the present writ petition. If at all, the petitioner has to challenge the same in the manner known to law and therefore, the writ petition is liable to be dismissed. The petitioner has an alternate remedy by way of appeal under Section 53 (5) (II) of the Hindu Religious and Charitable Endowments Act.

4. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 and 2.

5. The charges against the petitioner and the co-hereditary trustee appear to be serious in nature. However, considering the fact that there is an interim stay all through the period since the admission of this writ petition, I am inclined to dispose this writ petition by directing the first respondent to proceed and complete the enquiry in the impugned charge memo within a period of six months. However, the appointment of the fit person shall be kept in abeyance and will be subject to the final outcome of the proceedings to be completed by the first respondent. No cost. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sn



To

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

2.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowments Department, Tiruchy.

+1 CC to M/s.SPL.GP. (SR-19764[F] dated 20/04/2022)

W.P (MD) .No.16955 of 2017

19.04.2022

svm(CO)

TR(04.05.2022) 3P 4C