



W.P.No.3390 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2023

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THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.3390 of 2023

M.Shanmugasundaram

.. Petitioner

Versus

The Joint Commissioner,
Hindu Religious and Charitable Endowment,
7th Street, Gandhi Nagar,
Thiruvannamalai District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to consider the petitioner's application dated 10.03.2020 filed under Section 54(1) of Tamil Nadu Hindu Religious and Charitable Endowment Act, to declare him as Hereditary Trustee of “Arulmigu Mariamman Temple” situated at Agaram Village, Thiruvannamalai District, on merits and in accordance with law, within a stipulated time.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondent : Mr.N.R.R.Arun Natarajan
Special Government Pleader



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ORDER

This writ petition has been filed to direct the the respondent to consider the petitioner's application dated 10.03.2020 filed under Section 54(1) of Tamil Nadu Hindu Religious and Charitable Endowment Act, to declare him as Hereditary Trustee of “Arulmigu Mariamman Temple” situated at Agaram Village, Thiruvannamalai District.

2. It is the case of the petitioner that his father was the original authorized trustee and after his demise, in the line of succession, the petitioner is entitled to be appointed as a Hereditary Trustee. In this regard, he submitted an application on 10.03.2020. However, the said application has not been considered. Hence, he seeks direction.

3. The learned counsel for the respondent would submit that *suo motu* appeal proceedings have been initiated pursuant to the proceedings dated 13.04.2022. Challenging the same, the writ petition has been filed in W.P.No.28902 of 2022 in which the petitioner is the fourth respondent and this Court, by an order dated 09.11.2022 issued the following directions;

“ 3. It is informed that notice has been issued to all



parties concerned for enquiry on 11.11.2022 in which the petitioner and the fourth respondent may raise their respective contentions before the second respondent, who shall after hearing the parties following the prescribed procedure pass reasoned orders on merits and in accordance with law expeditiously. It is needless to add here that no view has been expressed by the Court on the merits of the controversy involved in the matter.”

4. He further submitted that again, one more writ petition has been filed challenging the *suo motu* appeal in W.P.No.30981 of 2022 and this Court, by an order dated 21.11.2022 disposed of the writ petition directing the respondents to decide the appeal by dealing with the question as to whether powers of *suo motu* appeal has been exercised within a reasonable time having due regard to the rival contentions of the contesting parties in that regard before taking a final decision. According to the learned counsel, the *suo motu* appeal is still pending and only after a decision is taken in that appeal, the question of line of succession will arise. Hence, he opposes the writ petition.



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5. As already pointed out by the learned counsel for the petitioner since the *suo motu* appeal has been initiated and there was a direction by this Court to complete the enquiry in accordance with law and the grievance of the petitioner also to be considered in taking final decision in the appeal let the respondent/the Joint Commissioner dispose of the *suo motu* appeal which was the subject matter of the writ petition in W.P.No.30981 of 2022, within period of two months from the date of receipt of a copy of this order. Thereafter, based on the outcome of the appeal, the petitioner's application shall also be considered on its own merits, after giving opportunity of hearing to the parties.

6. With the above direction, the writ petition stands disposed of. No costs.

07.02.2023

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Index : Yes / No

Speaking Order : Yes / No

N.SATHISH KUMAR, J.



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WEB COPY To

The Joint Commissioner,
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