



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.10764 of 2023

N.Sangameswaran

Petitioner

VS.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam, Chennai.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Chellandiyamman Koil Street,
Namakkal Bazaar,
Namakkal – 637 001.

3.The Executive Officer/Fit Person,
Arulmighu Pachaiaimman Temple,
Thiruchengodu Town and Taluk Office,
Arulmighu Kandasami Thirukoil,
Kalipatti, Thiruchengodu T.K. Namakkal District.

4.A.Karthikeyan

5.K.Thangavel

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, call for the records pertaining to the order dated 02.11.2022 in R.P. No.98/2020 D2 on the file of the 1st Respondent and quash the same.



For Petitioner : Mr.SP.Chokalingam

For Respondents : Mr.K.Karthikeyan

Government Advocate for R1 to R3

ORDER

This writ petition has been filed by a person belonging to Sengundha Mudaliyar community assailing the order passed by the 1st respondent in R.P.No.98/2020 D2, dated 02.11.2020.

2.Heard Mr.SP.Chockalingam, learned counsel appearing on behalf of the petitioner and Mr.K.Karthikeyan, learned Government Advocate appearing on behalf of the respondents 1 to 3.

3.The case of the petitioner is that there are seven Vagaiyaras in Veerabadra Gothram and the temple in question belongs to these seven Vagaiyaras and it was administered by them. Since the petitioner also belongs to the community and belongs to the same Gothram, he claims to have an interest in the administration of the temple.

4.The temple in question is a non-listed temple which was brought within the control of the HR & CE Department in the year 1989. Applications were filed



for framing of Scheme under Section 64(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (herein after referred to as “The Act”) and also under Section 63 (b) of the Act for appointment of hereditary trustee for the said temple. The Joint Commissioner of HR & CE Department considered both the petitions and allowed the petition in O.A.No.4 of 1997 for framing of a Scheme for the temple and whereas, the application filed in O.A.No.27 of 2002 seeking for appointment of hereditary trustee was rejected. Accordingly, a Scheme for the administration of the temple was also framed and it was also published in the Gazette and it came into effect on 04.01.2010.

5.The aggrieved parties preferred an appeal against both the orders passed by the Joint Commissioner of HR & CE Department before the Commissioner of HR & CE Department in A.P.No.4 of 2010 and A.P.No.5 of 2010 and both the appeals came to be dismissed by an order dated 14.09.2010. Aggrieved by the same, a suit was filed in O.S.No.6 of 2011 and the same is pending on the file of the Sub Judge, Tiruchengode.

6.After the Scheme was framed, the Board of Trustees was appointed and the same was also approved by the 1st respondent through proceedings dated 29.04.2010. The tenure of the Board of Trustees expired on 29.04.2013. The 2nd



the temple. Thereafter, the 4th and 5th respondents were permitted to act as poosaris in the temple. Once the petitioner came to know of the same, he made an application under the Right to Information Act and it was found that the 2nd respondent through order dated 27.08.2019, had appointed temporary poosaris. The grievance of the petitioner is that the temporary poosaris have come through the back door and what was not able to be achieved earlier by a person claiming himself to be a hereditary poosari, was sought to be achieved by his own son, who is the 5th respondent in this writ petition.

7. Aggrieved by the same, the petitioner filed a Revision Petition before the 1st respondent and the same was dealt with by the 1st respondent in R.P.No.98/2020 D2. The 1st respondent through the impugned order dated 02.11.2022, rejected the revision petition and while rejecting the same, the following liberty was given to the petitioner and the same is extracted hereunder:

As stated supra, I see no valid reasons or merit consideration to allow this Revision Petition. Accordingly this Revision Petition is dismissed as bereft of merits. However, it is open to the Revision Petitioner to put forth his complaints against the temporary poojari and Assistant, if any, in writing to the 1st respondent within 15 days from the date of receipt of this order. Upon receipt of the petition from the Revision Petitioner, the 1st respondent is directed to look into the merits of the



complaints, in accordance with custom and usage of the temple, and take necessary action within 30 days from the date of receipt of the complaint letter, and it may deem fit.

8. In the considered view of this Court, the petitioner seems to be having a genuine grievance, since there are complaints of misappropriation of money by the predecessors of the 4th and 5th respondents and that apart, the 5th respondent has achieved something which his father was not able to achieve and who was claiming for the position of the hereditary poosari. In view of the same, it is left open to the petitioner to give his complaint to the Assistant Commissioner of HR & CE Department, Namakkal, within a period of two weeks from the date of receipt of copy of this order. On receipt of the same, it is left open to the 1st respondent to look into the merits of the complaint and take necessary action, within a period of four weeks thereafter. It is made clear that even for the appointment of the temporary poosari, the Assistant Commissioner must ensure that non-controversial persons are appointed as poosaris and persons against whom there are already complaints are not brought in through the back door method. Hence, while the complaint is considered by the Assistant Commissioner, it should not be considered in a mechanical fashion and due consideration must be given for the nature of grievance that is expressed in the complaint. This direction will sufficiently safeguard the interest of the temple as well as that of the petitioner.



WEB COPY

N. ANAND VENKATESH, J.

SSR

9.This writ petition is disposed of with the above directions. No Costs.

10.04.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
SSR

To

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam, Chennai.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Chellandiyamman Koil Street,
Namakkal Bazaar,
Namakkal – 637 001.
- 3.The Executive Officer/Fit Person,
Arulmighu Pachaiaamman Temple,
Thiruchengodu Town and Taluk Office,
Arulmighu Kandasami Thirukoil,
Kalipatti, Thiruchengodu T.K. Namakkal District.

W.P No.10764 of 2023