



WEB COPY



Cont.P.No.1413 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

Cont.P.No.1413 of 2023

in

W.P.No.25006 of 2021

K.Appaji

... Petitioner / Petitioner

-Vs-

Mr.C.Lakshmanan,

The Joint Commissioner (In Charge),

The Hindu Religious and Charitable Endowments Department,

Thiruvannamalai.

... Respondent / 2nd Respondent

PRAYER : Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for wilful disobedience of the order of this Court dated 23.11.2021 made in W.P.No.25006 of 2021.

For Petitioner : Mr.R.Ananth

For Respondent : Mr.K.Karthikeyan
Government Advocate for (HR&CE)



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ORDER

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This contempt petition has been filed for the alleged disobedience of the order of this Court dated 23.11.2021 made in W.P.No.25006 of 2021, where a direction had been given to the second respondent in the writ petition, i.e, Joint Commissioner, Hindu Religious and Charitable Endowments Department, Thiruvannamalai to enquire into the petition already been submitted to modify the scheme already framed with regard to the maintenance of the temple by the Hereditary Trustees which, in fact, should have been conducted as per the direction already been issued by the first respondent, namely, Commissioner of the Hindu Religious and Charitable Endowments Department, vide his order dated 20.09.2021.

2. The said order has not been complied with is the allegation that has been made by the petitioner, that is how the contempt petition has come.

3. Today when the contempt petition is taken up for hearing, Mr.K.Karthikeyan, learned Government Advocate appearing for the respondent / HR&CE would contend that, the said petition which was directed to be enquired, was enquired and order in detail has been passed by the Joint



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Commissioner, i.e., second respondent in the writ petition on 02.08.2023 where

the following order has been passed:

"This forum is contemplating to frame a scheme of administration Suo-Motto with provisions for electing the managing trustee to avoid disputes over the claim on the office of the trusteeship, by recognising the shares of each of the heirs per stripes.

In these circumstances. this petition is allowed and the petitioners herein are recognised as the next in line of succession to the office of the hereditary trusteeship in the place of deceased Periyavedan with 1/45th share each in the Office of the trusteeship of the temple."

Relying upon this order, the learned Government Advocate seeks indulgence of this Court to close the contempt petition.

4. Heard Mr.R.Ananth, learned counsel appearing for the petitioner who would submit that, the direction issued by this Court was to enquire the petition submitted for modifying the existing scheme, whereas, after enquiry, now the order was passed by the Joint Commissioner that, he is contemplating to frame a scheme of administration *suo-motu* that is on his own and this is against the order passed by this Court, therefore, it is still contemptible, he contended.



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5. I have considered the said rival submissions made by the learned counsel appearing for both sides and perused the materials placed before this Court.

6. It is not only on the basis of the petition given by the stake-holders, the scheme can be framed or existing scheme can be modified but also under the *suo motu* power vests with the authority, namely, Joint Commissioner of Hindu Religious and Charitable Endowments Department under the provisions of the Hindu Religious and Charitable Endowments Act to frame a scheme for maintaining the Hereditary Trustees' temple and the Joint Commissioner after having enquired the matter has come to the conclusion that, the existing scheme cannot be said to be a full-fledged one, therefore, a new scheme has to be contemplated, for which, the steps are being taken *suo motu* by the Joint Commissioner by exercising his *suo motu* power to frame a new scheme. That kind of action exercising the *suo motu* power by the Joint Commissioner cannot be found fault with as that is provided under the provisions of the Hindu Religious and Charitable Endowments Act, therefore, it cannot be stated that the order passed on 02.08.2023 is to be treated as contemptible one, as this order is in consonance with the provisions of the Hindu Religious and



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Charitable Endowments Act and it cannot be stated that the order passed by this

Court dated 23.11.2021 has been wilfully violated.

7. In view of the same, by recording the aforestated development including the order dated 02.08.2023, this contempt petition can be closed, accordingly, it is closed.

29.11.2023

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

Mr.C.Lakshmanan,
The Joint Commissioner (In Charge),
Hindu Religious Charitable Endowment Department,
Thiruvannamalai.



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R.SURESH KUMAR, J.

vji

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