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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.12555 of 2023

M.Padmanaban

Petitioner

vs.

The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamagandi Road,
Nungambakkam, Chennai – 34.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the original impugned proceedings of the respondent made in Se.Mu.Na.Ka.No.925/2021/L5 dated 10.11.2022 and quash the same and further directing the respondent to appoint the Executive Officer to Sri Akasaa Mariyamman Temple, Natchiyarkoil Village, Kumbakonam Taluk, Thanjavur District.

For Petitioner : Mr.M.Ganesh

For Respondents : Mr.S.Yashwanth
Additional Government Pleader

ORDER

The petitioner who belongs to Parambarai Puradhana Gowravas of Appankoil



of the respondent in Se.Mu.Na.Ka.No.925/2021/L5 dated 10.11.2022 and for a consequential direction to the respondent to appoint an Executive Officer to administer the affairs of Sri Akasa Mariyamman Temple, Natchiyarkoil Village, Kumbakonam Taluk, Thanjavur District.

2.The case of the petitioner is that Sri Akasa Mariyamman Temple is governed by a Scheme framed by the Deputy Commissioner of HR & CE Department. The scheme that was framed in O.A.No.32 of 1963 dated 10.12.1964 provided as follows:

4.The temple and its property shall be managed and administered by the Board of Trustees, not less than three in number to be appointed by the Area Committee, Thanjavur from the panel of names suggested by the Gowrava Gula Munnetra Sangam, Natchiarkoil in a General Body meeting.

5(a) A register of all adult male members of the “Parambarai Puradhana Gowrava Community” residing at Appankoil Kavarai Street, Natchiarkoil Village, Kumbakonam Taluk, Thanjavur District shall be maintained at the temple for this purpose and such register shall be subject to check and verification periodically by the Assistant Commissioner having jurisdiction over the areas.

5(b)The trustees within one month from the date of their appointment shall elect one among themselves as Chairman Board of Trustees, who will hold office for the period of two



years. Should the trustees fail to do so, the competent authority shall arrange for the election of Chairman Board of Trustees.

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The present trustees of the temple (respondents herein) shall continue to be in charge of the temple till their period is over.

3.The grievance of the petitioner is that the Board of Trustees have been continuing to administer the temple for quite a long number of years and the Department was not in a position to appoint new Board of Trustees from among the members of the Sangam, since the registration of the Sangam under the other Societies Registration Act had expired and it was not renewed. Under such circumstances, a report was also called for from the Joint Commissioner and the Joint Commissioner, Mayiladuthurai had recommended twice in the year 2020 and in the year 2022 for appointment of an Executive Officer under Section 45(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as "The Act"). In spite of the same, the respondent had not acted upon the report of the Joint Commissioner and had permitted the Board of Trustees to continue for a further time and even the charges that were leveled against them were condoned. Aggrieved by the same, the present writ petition has been filed before this Court.

4.The learned Additional Government Pleader appearing on behalf of the respondent submitted that he has oral instructions to the effect that already steps have been taken to invite applications for appointment of non-hereditary trustees to



administer the temple. That apart, the Sangam has also been directed to renew to enable the process of appointment of fresh Board of Trustees. If ultimately, the Sangam does not renew the registration, the respondent will take a decision in accordance with the Act. The learned Additional Government Pleader submitted that the respondent never intended to violate the terms of the Scheme framed by the Deputy Commissioner and the impugned proceedings merely dealt with certain charges that were against the existing Trustees and the respondent considered the explanation and found it proper to accept the explanation and advised them not to repeat any such irregularity in future. The learned Additional Government Pleader submitted that the impugned order does not in any way extend the tenure of the present Board of Trustees and already steps have been taken to appoint the fresh Board of Trustees. The submission made by the learned Additional Government Pleader is recorded.

5.The grievance of the petitioner is that the respondent must appoint the Board of Trustees as per the Scheme framed by the Deputy Commissioner and if the present Board of Trustees create a situation where such appointment of fresh Board of Trustees are not able to be appointed, then the respondent must take steps to appoint an Executive Officer to administer the temple under Section 45(1) of the Act. A recommendation to that effect was also be given twice by the Joint Commissioner, Mayiladuthurai in the year 2020 and 2022. Considering the fact that steps have



already been taken by the respondent to appoint fresh Board of Trustees by inviting applications, it will be left open to the respondent to proceed further with the process and complete the same, within a period of six weeks from the date of receipt of copy of this order. If ultimately, the respondent is not able to complete the process of the appointment of the fresh Board of Trustees due to the non-renewal of the Sangam, it is always left open to the respondent to act upon the recommendations that have been made by the Joint Commissioner, Mayiladuthurai.

6.In the result, this writ petition is disposed of in the above terms. No Costs.

25.04.2023

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

(2/2)

To

The Commissioner,
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N. ANAND VENKATESH, J.

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