



WEB COPY



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 24.04.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**W.P No.12617 of 2023**

E.R.Hamsavalli

Petitioner

VS.

1.The Principal Secretary/Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Uthamar Gandhi Salai, Nungambakkam,  
Chennai – 600 034.

2.The Assistant Commissioner,  
Hindu Religious and Charitable Endowments Department,  
128, Yathavar Street,  
Padi, Chennai – 600 050.

Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the petitioner representation dated 25.01.2023 and direct the 2nd respondent to not to interfere in the administration of the private sabha and to declare the notice dated 28.12.2022 as null and void.

For Petitioner : Mr.Premkumar

For Respondents : Mr.K.Karthikeyan  
Government Advocate

**ORDER**



This writ petition has been filed for issue of writ of mandamus directing the 2nd respondent to consider the representation made by the petitioner on 25.01.2023 and for a further direction to the 2nd respondent not to interfere with the administration of the petitioner Sabha.

2. Heard Mr. Premkumar, learned counsel appearing on behalf of the petitioner and Mr. K. Karthikeyan, learned Government Advocate appearing on behalf of the respondents.

3. The case of the petitioner is that the petitioner Sabha is in existence for the last 153 years and it runs a temple which is purely in the nature of a private temple. The further case of the petitioner is that the 2nd respondent through notice dated 28.12.2022 informed the petitioner Sabha that they are going to appoint non-hereditary trustee. On receipt of the same, the petitioner made a representation and explained that the petitioner Sabha is purely a private entity and hence, there is no scope for appointment of any hereditary trustee. Since the representation was not considered and since steps were taken to interfere with the administration of the petitioner Sabha, the present writ petition has been filed before this Court.

4. Taking into consideration, the limited relief sought for in the writ petition and

without going into the merits of the case, there shall be a direction to the 2<sup>nd</sup>



respondent to consider the reply given the petitioner on 25.01.2023 for the notice issued on 28.12.2022 and deal with the same on its own merits and in accordance with law and take a decision, within a period of eight weeks from the date of receipt of copy of this order. If the petitioner claims to be a private entity, it is left open to the petitioner to workout their remedy under Section 63 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and seek for an appropriate declaration before the Joint Commissioner.

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

**24.04.2023**

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

To

1.The Principal Secretary/Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Uthamar Gandhi Salai, Nungambakkam,  
Chennai – 600 034.



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**N. ANAND VENKATESH, J.**

ssr

2.The Assistant Commissioner,  
Hindu Religious and Charitable Endowments Department,  
128, Yathavar Street,  
Padi, Chennai – 600 050.

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