



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.14768 of 2023

S Gowri Bai

... Petitioner

vs.

- 1 The Commissioner,
Hindu Religious and Charitable Endowments Department,
No 119, Uthamar Gandhi salai ,
Nungambakkam, Chennai 600 034
- 2 The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
128, Yadaval street Padi, Chennai 600 050
- 3 Shri Thuvi Raja Anugraha Ganapathy and Shri Shiridi Saibaba
Temple, Rep by it Manager, Kottivakkam Kuppam Road ,
Thrivalluvar Nagar, Thiruvanmiyur, Chennai 600 041
- 4 Annadanam Matrum Paropakaaram trust,
Rep by its Managing Trustee, No 6 ,
1st Floor, Long Beach Apartment, 4th Seaward road,
Thiruvanmiyur, Chennai 600 041

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st and 2nd Respondents to consider the petitioner representation dated 05.01.2023 and pass appropriate orders to take over the 3rd respondent Temple under the Management and control of the HR and CE Department.



For Respondents : Mr.K.Karthikeyan
Government Advocate for
R1 and R2

ORDER

This writ petition has been filed directing the respondents 1 and 2 to consider the representation made by the petitioner on 05.01.2023 wherein the petitioner has requested the HR&CE Department to take over the management and control of the 3rd respondent temple.

2. Heard Mrs.E.Swehta, learned counsel for the petitioner and Mr.K.Karthikeyan, learned Government Advocate for respondents 1 and 2.

3. When the matter came up for admission on 01.06.2023, this Court passed the following order :-

Mr.K.Karthikeyan, learned Government Advocate takes notice on behalf of the respondents 1 and 2.

2. A specific averment has been made at paragraph 12 of the affidavit filed in support of the writ petition to the effect that a notice was displayed on 21.11.2022 to the effect that the 3rd respondent Temple is not being



properly administered and that a fit person must be appointed. It is stated that such an action came to be taken pursuant to the representation made by the petitioner. The learned Government Advocate shall take instructions in this regard and report before this Court.

3. Post this case under the caption “for orders” on 19.06.2023.

4. When the matter was taken up for hearing today, the learned Government Advocate appearing on behalf of respondents 1 and 2 based on instructions submitted that proceedings were initiated by the 2nd respondent under Section 49 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, (hereinafter called as the “Act”) for appointment of a fit person. On such notice, some objections were raised by the persons who are in the administration of the 3rd respondent. That apart, objections were also received from the general public. In view of the same, the 2nd respondent will follow the due procedure by giving an opportunity to the interested persons as was held by the Division Bench of this Court in ***[Sriramsamaj Vs. The Commissioner of HR&CE Department and others]*** and thereafter a decision will be



taken for appointment of a fit person.

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5. In the light of the submissions made by the learned Government Advocate, there shall be a direction to the 2nd respondent to proceed further with the inquiry and the interested persons shall be afforded an opportunity and final decision shall be taken strictly in accordance with law. This process shall be completed by the 2nd respondent within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. This writ petition is disposed of with the above directions. No costs.

19.06.2023

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

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To

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N. ANAND VENKATESH, J.
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