



WA No.1107 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WA No. 1107 of 2023
and CMP No.11191 of 2023

G.Narayanasamy Gounder

... Appellant

-VS-

1. The Commissioner,
Hindu Religious & Charitable Endowment
Department, No.119, Uttamar Gandhi Road,
Thousand Lights West, Nungambakkam,
Chennai 600 034.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowment
Department, 182, First Floor, Cotton
Market Complex, Palladam Road,
Tiruppur 641 604.
3. The Executive Officer,
Arulmighu Ponkaliamman Koil,
Palladam, Tiruppur 641 664.
4. The Inspector
HR & CE Department,
Arulmighu Ponkaliamman Koil,
Palladam, Tiruppur 641 664.



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5. The Inspector of Police,
Avinashipalayam Police Station,
Avinashipalayam, Tiruppur District.

6. The Superintendent of Police,
Tiruppur District, Palladam Road,
Tiruppur.

7. M.Manoharan

8. R.Dharmalingam

9. P.Ilamurugan

... Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent to set aside the order dated 31.03.2023 passed in W.P.No.10152 of 2023 on the file of this Court.

For the Appellant :: Mr.P.M.Duraiswamy

For the Respondents :: Mr.R.Shunmugasundaram
Advocate General
assisted by Mr.N.R.R.Arun Natarajan,
Spl.Govt. Pleader (HR & CE) and
Ms.A.G.Shakeena for RR 1 to 6

* * * * *

JUDGMENT

(Made by the Hon'ble Chief Justice)

We have heard Mr.P.M.Duraiswamy, learned counsel for the appellant and Mr.R.Shunmugasundaram, learned Advocate General for the respondents.



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2. The appellant is challenging the order passed by the learned Single Judge. The appellant had challenged the appointment of respondents 7 to 9 as trustees. The learned Single Judge observed that the appellant has a remedy under Section 47 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

3. The learned Advocate for the appellant submits that the appellant is not a trustee, as such the provision under Section 47 of the Act would be inapplicable.

4. The learned Advocate General refers to Sub-Section (3) of Section 26 of the Act, 1959 and submits that the appellant has a remedy available.

5. The appellant alleges that respondents 7 to 9 are disqualified for being appointed as trustees. The disqualification is detailed in Section 26(1) of the Act, 1959.



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6. Sub-Section (3) of Section 26 of the Act 1959 empowers the Joint/Deputy Commissioner to decide the question as to whether a trustee has become subject to any of the disqualifications mentioned in Sub-Section (1) and/or Sub-Section 1(a) of Section 26 of the Act, 1959.

7. In light of that, though the learned counsel for the appellant sought to canvass submissions on merits, we are not inclined to consider the same and relegate the appellant to an alternate remedy as has been observed by the learned single judge, however quoting a different provision.

In light of that, the writ appeal is disposed of with liberty to the appellant to avail the alternate remedy. In that event all contentions are kept open.

(S.V.G., CJ.) (P.D.A., J.)
14.06.2023

Index : Yes/No
Neutral Citation : Yes/No
sra



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(sra)

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