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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.18554 of 2023
and W.M.P No.17787 of 2023

P.Ravichandran

Petitioner

VS.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.121, Mahatma Gandhi Road,
Nungambakkam,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Erode, Erode District.

3.The Assistant Commissioner,
Additional Charge
Hindu Religious and Charitable Endowments Department,
Erode, Erode District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records relating to the notice made in Na.Ka.No.939-87/2023/A6 dated 18.04.2023 passed by the 3rd respondent herein and quash the same.



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For Petitioners : Mr.Vijayaraghavan for
Ms.R.Sreevidhya

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 3rd respondent made in Na.Ka.No.939-87/2023/A6 dated 18.04.2023, wherein, the 3rd respondent has proceeded further to call for applications for appointment of non-hereditary trustees for administering Arulmighu Bagavathi Amman Thirukoil at Namakkal District.

2.Heard Mr.V.Vijayaraghavan, learned counsel appearing on behalf of the petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing on behalf of the respondents.

3.The case of the petitioner is that the subject temple was administered by the family of the petitioner for more than 200 years. Ultimately, it came within in the administration of one Thiru.Jayaraman, who is the brother of the petitioner. The further case of the petitioner is that the said Jayaraman was permitted to administer the temple to conduct poojas and kumbabishegam by the Department. A



petitioner had also handed over the administration to the fit person appointed by the Department.

4.It is stated that the brother of the petitioner during his life time, filed O.A.No.05 of 2000, to declare him as hereditary trustee. The brother of the petitioner namely Jayaraman died on 10.10.2022. Thereafter, the petitioner took steps to go through the entire records and it was ascertained that the Settlement Tahsildar granted Ryotwari Patta in favour of the father of the petitioner namely Pethu Naidu to maintain the said temple and the properties belonging to the temple. That apart, the petitioner also found that his brother had already filed an Application to appoint him as a hereditary trustee. Under such circumstances, when the application for appointment of hereditary trustee was pending, it is contended that the 3rd respondent ought not to have called for application for appointment of non-hereditary trustee for the subject temple. Aggrieved by the same, the present writ petition has been filed before this Court.

5.When the matter was taken up for admission, this Court directed the learned Special Government Pleader to take instructions on the status of the application filed by the brother of the petitioner to appoint him as a hereditary trustee and it was pending in O.A.No.05 of 2000. The matter was passed over and it was once again taken up and that point of time, the learned Special Government



Pleader produced the relevant records. It is seen from the records that the application filed by the brother of the petitioner in O.A.No.05 of 2000 came to be dismissed by the Joint Commissioner of HR & CE Department through order dated 04.10.2006 and this petition was dismissed for default. In view of the same, it is clear that the application filed for appointment as hereditary trustee, came to an end in the year 2006 itself.

6.It is further seen from the records that a fit person was appointed for the temple as early as in the year 2009 itself. Further, it can be seen that the petitioner has been informed through proceeding dated 22.05.2023 that the petitioner can file an appropriate application seeking for the claim as a hereditary trustee of the temple and the same will be dealt with in accordance with law.

7.In the light of the above records that have been produced before this Court, this Court does not find any ground to interfere with the impugned proceedings of the 3rd respondent dated 18.04.2023. The temple cannot be continuously under the administration of a fit person and the appointment of non-hereditary trustees becomes imperative by virtue of the directions issued by the Division Bench in *suo motu* W.P.No.574 of 2015, dated 07.06.2021. Therefore, it is left open to the Department to proceed further to call for applications for appointment of non-hereditary trustees for the temple.



8.The petitioner has already been informed by the concerned authority through communication dated 22.05.2023 that the petitioner can make an independent application seeking for claim as a hereditary trustee of the temple and the same will be considered in accordance with law. In view of the same, the petitioner can prosecute his claim for hereditary trustee in his capacity as a legatee of deceased Jayaraman. The dismissal of the earlier application filed by Jayaraman seeking for appointing him as a hereditary trustee, will not come in the way of petitioner to prosecute his application in accordance with law. The authorities will consider the same independently and pass appropriate orders. If such application is made by the petitioner, the same shall be disposed of by the concerned authority, within a period of six months from the date of receipt of the application from the petitioner.

9.This writ petition is disposed of in the above terms. No Costs.
Consequently, connected miscellaneous petition is closed.

26.06.2023

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

(2/2)



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N. ANAND VENKATESH, J.

SSR

To

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