



W.P.No.20157 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.20157 of 2023

B.S.Kannan

...Petitioner

Vs.

The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Erode.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to dispose the MA.No.4 of 2021 filed on 15.11.2021 on the basis of No Objection Certificate granted to the petitioner dated 17.08.2021 within time as stipulated by this Court.



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For Petitioner : Mr.M.Saravanakumar

For Respondent : Mr.K.Karthikeyan
Government Advocate (HR & CE)

ORDER

The petitioner herein seeks a direction to the respondent to dispose of the application filed by him in MA.No.4 of 2021 within a time fixed by this Court.

2. According to the petitioner, he is entitled to act as heretitray trustee of Sri Vaitheeswarankoil Temple situated at Bommarapalaym Village, Namakkal District. Originally the great-grand father of the petitioner namely, B.P.NatarajaIyer was declared as the hereditary trustee of the said temple by the Deputy Commissioner, Hindu Religious and Charitable Endowments (Administration) Department in OA.No.31/1963. After the demise of the said B.P.NatarajaIyer, the temple was managed by his first son viz., N.PadmanabhanIyer, till his death on 21.12.1990. After death of his first son viz., B.V.Sundararajan, the father



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of the petitioner, became the first in the line of succession to the Trusteeship of the suit temple. Due to his illness, he became bedridden and exploiting the situation, his sixth brother, viz., N.B.P.Balasubramanian, (the sixth in the line of succession) had filed the Miscellaneous Petition in Misc/4/2010 on the file of the Joint Commissioner, HR & CE Department, Salem seeking to appoint him as the hereditary trustee of the suit temple under Section 54(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

3. In the mean time the father of the petitioner died on 21.12.1990 and therefore, the petitioner had become the first in the line of succession. The writ petitioner had filed a Writ Petition challenging the appointment of B.P.Balasubramanian as hereditary trustee in W.P.No.11835 of 2020. In the said Writ Petition, a Joint Compromise Memo was filed and W.P.No.11835 of 2020 was disposed after recording the joint compromise memo. In the compromise memo filed in the said Writ Petition the existing hereditary trustee, B.P.Balasubramanian had given no objection for appointment of the petitioner as another hereditary



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trustee in the temple. Under the said circumstances, the petitioner herein filed a petition in Misc.4 of 2021 for his appointment as another hereditary trustee of the temple, but the same has not been considered and disposed of by the first respondent.

4. In view of the limited prayer made in this Writ Petition, the respondent is directed to consider the application filed by the petitioner in MA.No.4 of 2021 and pass orders in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of.

No costs.

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

The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Erode.



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S.SOUNTHAR, J.

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