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Writ Petition No.21135 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.08.2023

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Writ Petition No.21135 of 2023
and W.M.P.Nos.20524 and 20528 of 2023

C.Natarajan

... Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowmment Board (HR&CE)
Nungambakkam,
Chennai – 600 034.
2.The Assistant Commissioner,
Hindu Religious and Charitable Endowmment Board (HR&CE)
Kodai Mariamman Koil Campus,
Salem, Salem District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records of the 2nd respondent herein in Na.Ka.No.1724/2023-2 B2, dated 15.03.2023 and quash the same.

For Petitioner : Mr.R.Naresh Kumar
for S.Lawrence Peter

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



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ORDER

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The writ petition is filed challenging notification issued by 2nd respondent calling for application for appointment of non Hereditary trustees to the temple called Arulmighu Ayyanarappan Temple, Peramanur Village, Salem District.

2. According to the petitioner, he belongs to the family of hereditary Poosari of the above said temple and the temple is situated in a land owned by the forefather of the petitioner's family. It is also claimed that Poosari Chinna Gownder, one of the forefathers of the petitioner, established Ayyanarappan Temple and the main deity had been worshipped by the heirs of the said Poosari Chinna Gownder. It is also stated that the above said temple has no income and the expenses of the temple are being met by the petitioner and other heirs. In these circumstances, the 2nd respondent issued impugned notification calling for application for appointment of non hereditary trustees.

3. The learned counsel appearing for the petitioner submitted that when the petitioner has got hereditary trusteeship right in respect of the



temple in question, the 2nd respondent ought not to have issued the impugned notification calling for application for appointment of non hereditary trustees.

4. Mr.K.Karthikeyan, learned counsel appearing for the respondents on instructions submitted that this is not the first time, the 2nd respondent is calling for application for appointment of non hereditary trustees and as early as on 1981 one M.Sivanesan, S/o.Mariappa Gounder was appointed as non hereditary trustees for the temple.

5. Admittedly, the petitioner has not filed any petition before the jurisdictional joint Commissioner, seeking declaration that the trusteeship of the temple is hereditary. Even, in the affidavit filed in support of this writ petition, it is claimed by the petitioner he is only a hereditary Poosari of Ayyanarappan Temple. In such circumstances, the petitioner is not entitled to oppose the appointment of non hereditary trustees, in the absence of any material to show that the trusteeship of the temple is hereditary in nature and the petitioner is a hereditary trustee. However, it is always open to the petitioner to file appropriate application before the



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jurisdictional Joint Commissioner, seeking declaration that the trusteeship of the temple is hereditary in nature. As on today no such application is filed by the petitioner. Hence, this Court is not inclined to interfere with the notification issued by the 2nd respondent for appointment of non hereditary trustees.

6. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

23.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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S.SOUNTHAR, J.
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