



W.P.No.21556 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.21556 of 2023

and

W.M.P.No.20928 of 2023

Shri Ayyappan Bhakta Jana Sangam,
Rep. by its General Secretary K.M.Mohanraj,
Shri Ayyappan Temple, College Road,
Tiruppur-641602.

... Petitioner

VS.

- 1.The Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai.
- 2.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment,
Tiruppur.
- 3.The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment,
Tiruppur-641604.
- 4.The Fit Person,
A/M Ayyappa Swamy Thirukovil, College Road,
Tiruppur.



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Also the
Executive Officer,
A/M Visweswara Swamy Visalakshi Amman and
Subramaniya Swamy Temple,
Nallur,
Tiruppur.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned proceedings of the 3rd Respondent in செ.மு.ந.க. எண் 3358/2022/அ4 dated 26.06.2023 and quash the same and consequently, direct the 2nd Respondent to consider and pass order on the representation of the Petitioner Sangam dated 10.04.2023.

For Petitioner : Ms.V.S.Usharani

For R1 to R3 : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR & CE)

For R4 : Mr.R.Rajesh Vivekananthan

ORDER

By consent of both the learned counsel for the parties, this writ petition is disposed of at the admission stage itself.



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2. Challenging the order passed by the 3rd respondent appointing a Fit Person to Shri Ayyappan Temple, College Road, Tiruppur, the petitioner has come up by way of this writ petition.

3. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR and CE) takes notice for the respondents 1 to 3 and Mr.R.Rajesh Vivekananthan, learned counsel takes notice for the 4th respondent.

4. According to the petitioner, the management of the affairs of the temple was settled by a scheme in O.A.No.5 of 2010 on the file of the 2nd respondent. The scheme was duly published in the Tiruppur District Gazette on 27.08.2011. As per the scheme provisions, the temple administration was vested with a Board of Trustees consisting 3 to 5 Non-Hereditary Trustees. The Non-Hereditary Trustees shall be appointed by the office bearers of the petitioner's Sangam.

5. It is the case of the petitioner that though petitioner's Sangam selected its office bearers and reported the same to the respondents 2 and 3, they failed to implement the scheme provisions by appointing Non-



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Hereditary Trustees. It is also further case of the petitioner that the 2nd respondent unilaterally appointed the 4th respondent as a fit person to the temple by impugned order without affording any opportunity to the petitioner.

6. The learned Special Government Pleader (HR and CE) appearing for the respondents 1 to 3, on instructions, submits that the petitioner's Sangam never selected their office bearers and intimated the same to the Department for appointment of Non-Hereditary Trustees. It is also stated by the learned Special Government Pleader that in respect of affairs of the petitioner's Sangam, there is a dispute and civil suit is pending before the District Munsif Court, Tiruppur. The learned Special Government Pleader also submits that the 3rd respondent in his Proceedings dated 23.03.2022 in அ.தி.க. எண் 2358/2022/அ4, called for applications for appointment of Non-Hereditary Trustees from petitioner's Sangam and in response to the notice, only three persons submitted their applications. However, only one person appeared before the 3rd respondent. Therefore, the 3rd respondent is not in a position to constitute the Board of Trustees.



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7. In reply, the learned counsel appearing for the petitioner submitted that the petitioner's Sangam has not received any notice from the 3rd respondent calling for application for appointment of Non-Hereditary Trustees.

8. The learned counsel appearing for the 4th respondent, on instructions, submits that the 4th respondent has assumed charge on 18.07.2023 symbolically as petitioner's Sangam refused to handover the charge.

9. In view of the specific case of the petitioner that even though the petitioner's Sangam selected its office bearers and intimated the same to the respondents 2 and 3, they failed to act on their representation to appoint Non-Hereditary Trustees, this Court is inclined to issue a direction to the petitioner's Sangam to select three of its office bearers for appointment of Non-Hereditary Trustees and intimate the same to the 2nd respondent in person on 25.07.2023.



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10. It is made clear that the persons who are selected by the petitioner's Sangam for appointment as Non-Hereditary Trustees shall appear before the 3rd respondent in person on 25.07.2023. If the persons selected by the petitioner's Sangam appeared before the 3rd respondent on 25.07.2023 as directed, the 3rd respondent shall complete the process for appointment of Non-Hereditary Trustees in accordance with law on or before 01.08.2023. The 3rd respondent shall file a compliance report on or before 10.08.2023 before this Court.

11. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

21.07.2023

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

dm

Note: Issue order copy on 24.07.2023.



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To

WEB COPY

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Tamil Nadu Hindu Religious and Charitable Endowment,
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S.SOUNTHAR, J.

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