



W.P.No.27545 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.27545 of 2023

and W.M.P.Nos. 26988, 26990 & 27955 of 2023

M.Meenatchi

...Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious & Charitable Endowments (HR & CE),
Nungambakkam,
Chennai – 34.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Nagapattinam.
3. The Assistant Commissioner
Hindu Religious & Charitable Endowments Department,
Nagapattinam.
4. The Executive Officer,
A.M.Arumuga Vinayagar Thirukoil,
Thevur Village, Keevalur Taluk,
Nagapattinam District.
5. The District Collector,
Collectorate,
Nagapattinam.



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6. The Superintendent of Police,
District Police Office,
Nagapattinam.
7. The Deputy Superintendent of Police,
Anti Land Grabbing Wing,
District Police Office,
Nagapattinam.
8. The Additional Director/project Officer,
District Rural Development Agency
Collectorate,
Nagapattinam.
9. The Block Development Officer,
Panchayat Union,
Keevalur,
Nagapattinam District.

10. Ananthanayaki

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, by directing the respondents 1 to 5 as not to take control and management of the private temple named Arulmigu Sri Arumuga Vinayagar Thirukoil which is being managed by the hereditary trustee of the petitioner family by appointing any other trustees through the HR & CE Department.

For Petitioner : Mr.K.M.Subrahmaniam

For Respondents 1 to 4 : Mr.N.R.Arun Natarajan.
Special Government Pleader

For Respondents 5 & 8 : Mr.N.Naveen Kumar
Government Advocate



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For Respondents 6 & 7 : Mr.J.Subbiah
Government Advocate

For Respondent 9 : Mr.T.Chandrasekaran
Special Government Pleader

ORDER

The petitioner herein has come up with this writ petition seeking issuance of Writ of Mandamus, directing the respondents 1 to 5 not to take control and management of the private temple named Arulmigu Sri Arumuga Vinayagar Thirukoil, which is being managed by the hereditary trustee of the petitioner's family by appointing any other trustees through the HR & CE Department.

2.In the typed set of papers, the petitioner produced a communication of the Assistant Commissioner, HR & CE Department, Nagapattinam, addressed to one A.Singaravelu Mudaliar, father-in-law of the petitioner describing him as hereditary trustee of the above said temple. Even from the document produced by the petitioner, it is clear that the temple is under the control of the HR & CE Department, even in the year 1993. In such circumstances, the prayer sought for by the petitioner that the respondents 1 to 5 should not take control of the temple cannot be maintained.



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3.Mr.N.R.Arun Natarajan, learned Special Government Pleader takes notice for the respondents 1 to 4. Mr.N.Naveen Kumar, learned Government Advocate takes notice for the respondents 5 & 8. Mr.J.Subbiah, learned Government Advocate takes notice for the respondents 6 & 7. Mr.T.Chandrasekaran, learned Special Government Pleader takes notice for the 9th respondent.

4.From the documents furnished by the petitioner, it is clear that the temple is under the supervisory control of the HR & CE Department. However, the communication of the Assistant Commissioner, dated 05.01.1993, indicates the temple is administered by the hereditary trustee. The father-in-law of the petitioner was addressed as hereditary trustee in the year 1993. In such circumstances, the respondents shall not make any attempt to appoint non hereditary trustee without hearing the petitioner. It is open to the petitioner to file formal application for her recognition as hereditary trustee under Section 54 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.



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5. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Internet : Yes/No
Neutral Citation Case : Yes/No
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To

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5. The District Collector,
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Nagapattinam.
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