



WEB COPY



W.P.No.25300 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25300 of 2023
and W.M.P.No.24712 of 2023

1.P.S.Madurai
2.V.Gopal
3.V.Madurai
4.V.Siva
5.B.Nagalingam

...Petitioners

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungampakkam,
Chennai – 600 034.

2.The Joint Commissioner (Chennai Region-II)
Hindu Religious & Charitable Endowment Department,
Mylapore, Chennai-600 004.

3.T.K.Krishnaswamy

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of certiorarified Mandamus, calling for the records from the files of the second respondent in I.A.No.3 of 2023in M.P.No.124 of 2022 and quash the same is illegal and consequently direct the 2nd respondent to dispose the implead petition accordance with law.



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

ORDER

The writ petition is filed challenging the order passed by the 2nd respondent dismissing the impleading application filed by the petitioners in I.A.No.3 of 2023 in M.P.No.124 of 2022.

2.The learned counsel for the petitioners submits that the 3rd respondent herein filed an application for his recognition as a hereditary trustee in M.P.No.124 of 2022 and the petitioners, who are administering the temple have filed an application in I.A.No.3 of 2023, seeking their impleadment and the said application was dismissed by the 2nd respondent without giving any reasoning.

3.Mr.K.Karthikeyan, learned Government Advocate takes notice for the respondents 1 & 2 on instructions submits that the 3rd respondent filed an application under Section 54 (1) of Tamil Nadu Hindu Religious and Charitable Endowments Act, seeking to recognise him as a hereditary trustee, after death of his father. The petitioners are not heirs of erstwhile hereditary



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trustee and therefore, they have no *locus standi* to implead themselves in an application under Section 54 (1) of Tamil Nadu Hindu Religious and Charitable Endowments Act.

4.A reading of impugned order would suggest that the impleading application of the petitioners was dismissed in one line without any reasoning. The 2nd respondent is not entitled to give new reasoning for dismissing the application now. Therefore, the impugned order which is a non speaking one is liable to be set aside.

5.It is settled law that the 2nd respondent is a Quasi Judicial Authority adjudicating the rights of the parties. Therefore, while passing an order which determines the rights of the parties, he is expected to give reasons for his final conclusion. Accordingly, this Court is inclined to set aside the order impugned in this writ petition and remand the matter back to the file of 2nd respondent with direction to dispose of I.A.No.3 of 2023 on merits and in accordance with law by passing a reasoned order within a period of four weeks from the date of receipt of a copy of this order after giving opportunity to the petitioners as well as the 3rd respondent.



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S.SOUNTHAR, J.

nti/shl

6.With this direction, the writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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(2/2)

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

To

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