



W.A.No.2575 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.A.No.2575 of 2022

The Commissioner
Hindu Religious and Charitable
Endowments Admn. Department
Nungambakkam
Chennai 600 034.

.. Appellant

Vs.

1. Sri Varasiddhi Vinayagar Sath Sangam
Rep. By its Secretary
No.E-96A, 3rd Avenue, Besant Nagar
Chennai 600 090.
2. The Additional Commissioner
Hindu Religious and Charitable
Endowments (Admn.) Department
Nungambakkam
Chennai 600 034.
3. The Joint Commissioner
Hindu Religious and Charitable
Endowments (Admn.) Department
Nungambakkam
Chennai 600 034.



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4. The Assistant Commissioner
Hindu Religious and Charitable
Endowments (Admn.) Department
Nungambakkam, Chennai 600 034.

5. The Executive Officer
Sri Varasiddhi Vinayagar Temple
Besant Nagar, Chennai 600 090

.. Respondents

[R2 to R4 – Given up vide endorsement
made by the appellant dated 21.07.2023]

Prayer: Appeal filed under Clause 15 of the Letters Patent against the
order dated 09.07.2021 made in W.P.No.22926 of 2014.

For the Appellant : Mr.R.Shunmugasundaram
Advocate General
Assisted by
Mr.N.R.R.Arun Natarajan
Special Government Pleader

For the Respondents : Mr.G.Rajagopalan
Senior Counsel
For M/s.G.R.Associates

R2 to R4 – Given up

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.R.Shunmugasundaram, learned Advocate
General, assisted by Mr.N.R.R.Arun Natarajan, learned Special
Government Pleader for the appellant and Mr.G.Rajagopalan,



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learned Senior Counsel for M/s.G.R.Associates for the first respondent.

2. The order dated 09.07.2021 passed in W.P.No.22926 of 2014 is assailed.

3. Under the impugned order, the learned Single Judge has held that the Executive Officer cannot remain in the office in perpetuity. His maximum tenure is five years. The learned Single Judge has further observed that the procedure for constitution of the Board of Trustees going forward, shall be that the Sangam shall make its recommendations for non-hereditary trustees as expeditiously as possible and appointments shall be made by the Joint Commissioner within a period of four weeks from the date of receipt of the recommendations from the Sangam. The present arrangement shall continue till such time the exercise as aforesaid is completed.



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4. In view of that, the Executive Officer still continues. It is submitted by learned Senior Counsel for the first respondent that on 06.01.2021, five names have been suggested by the Sangam. The copy of the said letter is also handed over to learned Advocate General.

5. The appointment of Trustees shall have to be made in consonance with the scheme operating. The names are already suggested by the Sangam.

6. In view of that, the Commissioner, HR & CE shall take a decision for the constitution of the Board of Trustees in accordance with the Scheme, expeditiously and preferably within three months.

The writ appeal is accordingly disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)
21.07.2023

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(kpl)

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