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W.P. No. 29339 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 29339 of 2023

M.Susila

... Petitioner

-VS-

The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Dr. Balasundaram Road,
CTO Complex,
Coimbatore – 641018.
Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent herein to dispose of the Petitioner's representation dated 03.07.2023 on merits, within a stipulated time.

For Petitioner : Mr. V.P.K.Gowtham

For Respondent : Mr. N.R.R.Arun Natarajan,
Special Government Pleader

ORDER

Heard Mr. V.P.K.Gowtham, Learned Counsel for the Petitioner and



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Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader appearing for

the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. According to the Petitioner, her husband, viz., M.S.Maruthachalam, was treated as the Hereditary Trustee of Arulmighu Mariamman and Vinayagar Temple, Machampalayam, Madukkarai Taluk, Coimbatore District and after his demise on 10.05.2021, it was recorded that their son, viz., M.S.Sengathir Prakash, had succeeded as the Hereditary Trustee of that Temple. According to the Petitioner, she was suffering from ailments at that point of time and could not raise any objection for recording the said M.S.Sengathir Prakash as the Hereditary Trustee of the Temple. In the meanwhile, pursuant to the complaints received against the said M.S.Sengathir Prakash, action has been taken under Section 54 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short) and he had been placed under suspension. In that backdrop, the Petitioner had made a representation dated 03.07.2023 along with 'No Objection Affidavit' of her son, viz., M.S.Sengathir Prakash, and her daughter, viz., R.Manonmani Rajarathinam, to the Respondent seeking to treat her as the Hereditary Trustee of the Temple as she had recovered from the ailments, but as it did not evoke



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any response, it has necessitated the filing of this Writ Petition.

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3. It has been brought to notice that in furtherance to the order dated 13.07.2023 in W.A. No. 1460 of 2023, the enquiry against the said M.S.Sengathir Prakash has been completed and he has been removed from his office by Proceedings in Na. Ka. No. 3270/2023/A3 dated 25.10.2023 passed by the Respondent. It has also been informed that the the suit in O.S. No. 874 of 2017 filed by the rival claimant, viz., S.K.Boopathy Yadav, for Hereditary Trusteeship of the Temple, which was pending at the time of the said appeal, has been withdrawn on 09.11.2023. In view of the aforesaid subsequent events, it appears that there is no impediment for the concerned authorities to consider the said aforesaid representation dated 03.07.2023 made by the Petitioner.

4. Having regard to the limited nature of relief sought, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) it shall be incumbent upon the First Respondent shall immediately examine the representation dated 03.07.2023 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary,



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the deficiencies in that regard shall be informed in writing to the

Petitioner requiring the same to be furnished within a time frame of not

less than 10 working days for the same;

- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard and it shall be ensured by the Respondent and that there are atleast two effective hearings every month showing progress of the case;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and
- (vi) the report of such compliance shall be filed by 31.03.2024 before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 08.01.2024.



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To
The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Dr.Balasundaram Road,
CTO Complex,
Coimbatore – 641018.

Copy to

- 1.M.Susila
W/o. Late Marudhachalam,
No.29/36-A, Sivasakthi Colony,
Coimbatore South,
SIDCO, Coimbatore 641 021.
- 2.The Registrar (Judicial),
Madras High Court,
Chennai 600 104.



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P.D. AUDIKESAVALU, J.

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