



W.P. No. 33110 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

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

W.P. No. 33110 of 2023

and

W.M.P. No. 32792 of 2023

Kumar Kailasam

... Petitioner

-VS-

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Hindu Religious and Charitable Endowments,
Fort St. George,
Chennai.
2. The Commissioner,
HR & CE,
Mahatma Gandhi Road,
Nungambakkam,
Chennai.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Kanchipuram.
4. Arulmighu Bhramapuriswarar Temple,
Represented by its Fit Person,
Peru Nagar Village,
Uthirameru Taluk,
Kanchipuram District.
5. M.Natarajan
6. K.Kumaravel



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7. C.Hariharan

8. T.Vijayaragavan

9. U.Yuvaraj

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Third Respondent to recall his Proceedings in Se. Mu. Na. Ka. No. 4234/2019/A3 dated 12.01.2023 and consequently direct him to reconsider and remove the appointment of the Sixth Respondent and appoint eligible person among the 80 houses of the Thondaimandala Saiva Vellala Community of Perunagar Village as per scheme passed in O.A. No. 77 of 1974 dated 12.05.1982 by the Deputy Commissioner, HR & CE for the post of Trustee in Arulmighu Bhramapuriswarar Temple in Peru Village, Uthiramerur Taluk, Kanchipuram District.

For Petitioner : Mr. R.Singaravelan,
Senior Counsel
for Mr. M.A.Prashanth Kumaran

For Respondents : Mr. K.Karthikeyan,
Government Advocate (for R1 to R4)

ORDER

Heard Mr. R.Singaravelan, Learned Senior Counsel appearing for the Petitioner and Mr. K.Karthikeyan, Learned Government Advocate, who takes notice for the First to Fourth Respondents, and perused the materials placed on record, apart from the pleadings of the parties.



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2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Fifth to Ninth Respondents, notice to them is dispensed with.

3. The Deputy Commissioner, Hindu Religious and Charitable Endowments (Administration) Department, Madras in the order dated 12.05.1982 in O.A. No. 77 of 1975 has framed the following scheme for the administration of the Temple of the Fourth Respondent:-

“

Scheme

- 1. The scheme shall come into force from the date of the publication in the Chengalpattu District Gazette.*
- 2. The administration of Arulmigu Brammapureswarar Temple, Peunagar, Uthiramerur, Chengalpattu District and all properties movables and immovables which belong to or have been of hereafter be given dedicated or endowed thereto of acquired for the temple shall in general or to any one or more the deities in particular do and shall vest in a Board of Trustees not exceeding five and not less than three who shall be appointed from and*



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amongst the members of the Thondai Mandala Saiva Vellalas Community of 80 houses and who are permanent residents of Perunagar Village, Uthiramerur Taluk, Chengalpatu district by appropriate in accordance with the provisions of the act.

3. *In all other respects, the administration shall be carried on in accordance with the provisions of the Hindu Religious and Charitable Endowments Act and Rules in Force from time to time.”*

In terms of the said scheme, the Third Respondent by Proceedings in Se. Mu. Na. Ka. No. 4234/2019/A3 dated 12.01.2023 had appointed the Fifth to Seventh Respondents as the Trustees of the Temple of the Fourth Respondent. According to the Petitioner, the Sixth Respondent, viz., K.Kumaravel, was disqualified from holding the post of Trustee of the Temple of the Fourth Respondent as the complaint dated 27.06.2022 against him had been lodged by some of the members of the Saiva Thondamandala Vellalar Community from whom the selection of Trustee has to be made and without even considering it, the appointment of the Sixth Respondent has been made. In that backdrop, the Petitioner has filed this Writ Petition for directing the Third Respondent to re-call the said order and consequently direct him to cancel the appointment of



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the Sixth Respondent and appoint eligible person among the 80 houses of the

Thondaimandala Saiva Vellala Community in terms of the aforesaid scheme.

4. Learned Government Advocate appearing for the First to Fourth Respondents, on instructions, states that the enquiry on the said complaint against the Sixth Respondent has been fixed at 2.00 p.m. on 30.11.2023 before the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Government of Tamil Nadu (hereinafter referred to as 'the Joint Commissioner' for short) and he has produced copy of the Notice in Na. Ka. No. 7339/2023/Aa2 dated 21.11.2023 issued by the Joint Commissioner in that regard.

5. In such circumstances, the Petitioner, the Sixth Respondent and all other concerned parties shall attend the hearing on the said date as well as on the subsequent dates to which it is adjourned and extend their co-operation for the expeditious disposal of the matter and there shall be atleast two effective hearing every month showing progress of the case. It shall be incumbent upon the Joint Commissioner to conduct the enquiry under Section 26(3) of the Hindu Religious and Charitable Endowments Act, 1959, affording full opportunity of hearing to all parties concerned following the prescribed



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procedure in consonance with the principles of natural justice, deal with each of the contentions raised and pass reasoned orders on merits and in accordance with law and communicate the decision taken to them under written acknowledgment. The report of such compliance shall be filed before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

27.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 19.02.2024.

vjt

To

1. The Secretary to Government of Tamil Nadu,
Hindu Religious and Charitable Endowments,
Fort St. George,
Chennai.
2. The Commissioner,
HR & CE,
Mahatma Gandhi Road,
Nungambakkam,
Chennai.



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3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Kanchipuram.
4. Arulmighu Bhramapuriswarar Temple,
Represented by its Fit Person,
Peru Nagar Village,
Uthiramerur Taluk,
Kanchipuram District.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. Kumar Kailasam,
S/o. Kailasam,
23/38, Viswanatha Iyyer Street,
Bangaruamman Thottam,
Kancheepuram – 631 501.
3. M.Natarajan,
S/o. Murugan Kalathi,
Mudukku, Peru Nagar,
Uthiramerur Taluk,
Kanchipuram District.
4. K.Kumaravel,
S/o. Kandasamy,
No. 687, Singala Street,
Uthiramerur Taluk,
Kanchipuram District.
5. C.Hariharan,
S/o. Sivagnanasakthivel,
No. 530, Poondi Street, Peru Nagar,
Uthiramerur Taluk,
Kanchipuram District.
6. T.Vijayaragavan,
S/o. Thirunavukarasu,
Peru Nagar, Uthiramerur Taluk,
Kanchipuram District.
7. U.Yuvaraj,
S/o. Uma Maheshwaran,
Peru Nagar, Uthiramerur Taluk,
Kanchipuram District.



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P.D. AUDIKESAVALU, J.

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