



W.P.(MD) No.5684 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.5684 of 2023

and

W.M.P.(MD) Nos.5313 and 5314 of 2023

G.Srinivasan

.. Petitioner

Vs.

1.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Thoothukudi.

2.The Fit Person,
Arulmigu Navaneethakrishnan Swamy Thirukovil,
Kothali, Kayathar Taluk,
Thoothukudi District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari to call for the records pertaining to the impugned order of the first respondent in செ.மு.ந.க.எண்.4867/2022/ஆ1/dated 07.11.2022 and consequential impugned order of the second respondent dated 17.11.2022 and quash the same as illegal and unlawful.



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For Petitioner : Mr.Pooventhera Rajan J.
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This Writ Petition is filed challenging the order passed by the first respondent dated 07.11.2022 in and by which the first respondent has appointed a Fit Person in respect of the second respondent-temple and the consequential order passed thereafter by the second respondent to publish an auction for the lease of the agricultural lands belonging to the temple situated at Kothali Village.

2. The petitioner would submit that the temple was founded by his great -grandfather Madasamy Naidu @ Ramanuja Naidu in his patta land bearing S.No.96/1C to an extent of 55 cents and the temple is over 100 years old. After his great-grandfather, his grandfather Srinivasan and thereafter, his father Govindan were administering the temple and after the demise of his father, Govindan, the petitioner has been administering the temple as its hereditary Trustee. While so, he was shocked to see an auction notice issued by the second respondent inviting application for



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the lease of the temple lands and on enquiry, he came to learn that the second respondent has been appointed as a Fit Person to manage the affairs of the temple. This order has been passed without notice to the petitioner and the appointment of the Fit Person has also been made unknown to the persons in-charge of the temple. Thereafter, the petitioner had made applications under the Right to Information Act and obtained the impugned orders dated 07.11.2022 and 17.11.2022.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the records.

4. A perusal of the impugned order clearly shows that the order has been passed without issuing notice to any person. Even if the respondents had not recognised the petitioner as a Trustee of the second respondent-Temple, they must have issued notice at least to the persons, who were actually administering the temple. The impugned order does not reflect any such notice and the learned Special Government Pleader appearing for the respondents also fairly conceded that such a notice has



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not been issued. Therefore, it is clear that the impugned notices have been passed without following the principles of natural justice. Therefore, the same have to be necessarily set aside. That apart, the patta in respect of the land stands in the name of the petitioner and his predecessors in title. It is not known as to how the second respondent has issued the notice of auction without involving the owners of the property, as seen in the revenue records. Therefore, this Writ Petition is allowed, the order of the first respondent dated 07.11.2022 is set aside and the consequential impugned order dated 17.11.2022 is also set aside. Liberty is granted to the respondents to issue fresh notice to all the persons interested. The said exercise shall be completed within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

16.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

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To

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P.T.ASHA, J.

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