



WP(MD)No.13229 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 06.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.13229 of 2020
and
WMP(MD)Nos.11072, 11073 of 2020

Arulmigu Vinayagar Thirukovil,
Rep. by its Hereditary Trustee and Poojari
K.Kasirajan

.. Petitioner

v.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai,
Nungampakkam,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.

4.The Fit Person / Executive Officer,
Arulmigu Moolanathaswamy Thirukovil,
Thenkarai, Vadipatti,
Madurai District.

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the fourth respondent in No.Nil dated 07.09.2020 and the impugned order passed by the third respondent in Se.Mu.Na.Ka.No.1497/2018/Aa1 dated --.07.2018 and quash the same.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.P.Subburaj,
Special Government Pleader
for R.1 to R.3

Mr.C.Guhaseelarupan
for R.4

ORDER

The petitioner filed this writ petition as against the order of appointment of Fit Person to Arulmigu Vinayagar Thirukovil on the ground that it was passed without providing him an opportunity of hearing and without assigning any reasons.

2.Learned Special Government Pleader for the respondents submitted that the petitioner is a poosari and he is maintaining the affairs of the



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Temple. But, he is not the Hereditary Trustee. For the custody of the Temple and for safeguarding the properties of the Temple, the impugned order has been passed. The petitioner is not having any locus to ask for any notice, inasmuch as he is not the Hereditary Trustee of the Temple.

3.This Court considered the rival submissions made on either side.

4.The petitioner claims that he is the Hereditary Trustee of the subject Temple. The respondents though took a stand that the petitioner is only a Poosari of the Temple, have made the impugned communication by addressing the petitioner as the Temporary Administrator. The respondents claim that in order to safeguard the properties of the Temple and the income of the Temple, they have appointed the Fit Person. However, the impugned order has been passed without any reasonings and without issuing any notice to the petitioner.

5.Therefore, the orders impugned in this writ petition dated 07.09.2020 and 01.08.2018 are set aside. If there is no proper



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administration in the Temple, it is open to the respondents to issue a fresh notice to the petitioner and to pass reasonable orders, after providing due opportunity of hearing to the petitioner. The petitioner is also at liberty to file necessary application before the second respondent / Joint Commissioner u/s.63(b) of the Hindu Religious and Charitable Endowments Act, within a period of four weeks from the date of receipt of a copy of this order. If any such application is filed, the second respondent shall pass appropriate orders, on merits and in accordance with law, within a reasonable time.

Accordingly, this writ petition is disposed of. No costs.
Consequently, connected miscellaneous petitions are closed.

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

06.10.2023



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To

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B.PUGALENDHI, J.

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