



W.P.(MD) No.11853 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.11853 of 2023

and

W.M.P.(MD) No.10255 of 2023

Sri Manavala Mamunigal Trust,
Rep., by its President,
Mr.O.T.S.Ethirajulu Choudri,
Thiruthangal, Virudhunagar District.

.. Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.119, Uthamar Gandhi Salai,
Chennai-600 014.

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

3.The Executive Officer,
Sri Nindra Narayana Perumal Temple,
Thiruthangal, Virudhunagar,
Virudhunagar District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari calling for the records relating to the impugned show cause notice proceeding made in Na.Ka.No. 3638/2023/E3 dated 18.04.2023 passed by the second respondent and quash the same.

For Petitioner : Mr.T.Antony Arulraj
For RR1 & 2 : Mr.V.Nirmal Kumar
Government Advocate
For R3 : Mr.S.Manohar

ORDER

Challenging the show cause notice issued by the second respondent, dated 18.04.2023, received by the petitioner on 24.05.2023, the petitioner is before this Court seeking the issue of a Writ of Certiorari to quash this notice.

2. The petitioner's case is that the petitioner-Trust was formed as early as in the year 1909 and was formed by Sri Ramanujadoss, son of Govindhappa Naidu. The said Ramanujadoss owned several properties. The administration of the Trust vested with the Trustees and as per the



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Trust Deed, procedures for appointment of Trustees and members were set out. The scope and object of the trust were also set out in the deed and one of the objects of the Trust was to do certain customs and rituals for Sri Manavala Mamunigal and other sub temples. From the year 1909, this ritual (Kaingariyam) is being carried out without any default.

3. The petitioner's further case is that the Trust is a private Trust. The members belong to a particular community viz., Kammavaar Naidu community. The trust owns several properties. The petitioner would submit that the respondents were unnecessarily attempting to interfere with the administration of the Trust and were attempting to take over the property of the Trust. The property of the Trust and the Temple are distinct and it cannot be construed that the property of the Trust would be the property of the Temple. The petitioner-Trust had adequately presented a reply dated 11.11.2020 setting out the above fact. While so, the petitioner-Trust have received the impugned show cause notice calling upon them to give an explanation on or before 30.04.2023. The object of the Trust is to do certain Kaingariyam for the temple. The Trust



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Deed would clearly show that the property in question belongs to the Trust. In fact, on an earlier occasion, the second respondent issued a notice dated 23.08.2021 instructing the Trust to transfer the Trust properties in the name of the temple, which has been out rightly rejected by the petitioner-Trust. Hence, challenging the show cause notice, the petitioner is before this Court.

4. When a question was put forward to the respondents as to whether the properties belong to the Temple and as to whether the respondents had any documents to show that the properties in question belong to the Temple, they had conceded that there was no document to show that the property belongs to the Temple and admitted that all the properties stand in the name of the Trust.

5. The petitioner-Trust is a private Trust and one of its objects is that Kaingariyam had to be done. A reading of the Trust Deed would make it clear that the founder Trustee had made it very clear that the properties of the Trust could never be encumbered and if it had to be



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alienated, the same could be done only on the opinion of the majority and even thereafter, the sale would not be valid, unless it is sanctioned by majority of the Trustees. It was also made clear that the relatives of Ramanujadoss would not have any right or interest in the properties in question. The property details have also been set out in the Trust Deed. The deed very clearly states that the properties only belong to the Trust. Therefore, the show cause notice is totally misconceived and the respondents, who have no right to the said properties, cannot seek to call upon the petitioner to show cause. Consequently, this Writ Petition is allowed and the impugned show cause notice dated 18.04.2023 is quashed. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2023

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

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P.T.ASHA, J.

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To

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Endowments Department,
No.119, Uthamar Gandhi Salai,
Chennai-600 014.

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