



W.P.(MD) Nos.14146 and 14278 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) Nos.14146 and 14278 of 2023

and

W.M.P.(MD) Nos.11992, 11993, 11996, 12080 and 12082 of 2023

W.P.(MD) No.14146 of 2023:

C.Muthuganesh

.. Petitioner

Vs.

1.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Nungambakkam, Chennai.

2.The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Department,
Sivagangai District.

3.The Fit Person/Inspector,
Manamadurai,
Sivagangai District.

4.S.P.Chandran Chettiar

.. Respondent



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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 of the second respondent dated 05.06.2023 in proceedings Se.Mu.Na.Ka.No. 1065/2022/AA1, quash the same, as the same is arbitrary, ultra *vires*, in excess of powers, in colorable exercise of power.

For Petitioner	:	Mr.R.G.Shankar Ganesh
For RR1 to 3	:	Mr.P.Subbaraj Special Government Pleader
For R4	:	Mr.Abrar Md. Abdullah

W.P.(MD) No.14278 of 2023:

1.C.Muthuganesh	
2.S.Somasundaram	
3.R.P.Ravisundar	
4.S.Muthumari	
5.M.Pitchai	
6.K.Chittan	.. Petitioners

Vs.

1.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Nungambakkam, Chennai.



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2.The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Department,
Sivagangai District.

3.The Fit Person/Inspector,
Manamadurai,
Sivagangai District.

4.S.P.Chandran Chettiar .. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records of the second respondent dated 04.04.2022 in proceedings Na.Ka.No. 849/2020/E3, quash the same, as the same is arbitrary, ultra vires, in excess of powers in colorable exercise of power.

For Petitioners	:	Mr.R.G.Shankar Ganesh
For RR1 to 3	:	Mr.P.Subbaraj Special Government Pleader
For R4	:	Mr.Abrar Md. Abdullah

COMMON ORDER

1.1. Since the issue involved in both the writ petitions is one and the same, a common order is being passed in these writ petitions.



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1.2. W.P.(MD) No.14146 of 2023 is filed challenging the proceedings of the second respondent dated 05.06.2023.

1.3. W.P.(MD) No.14278 of 2023 is filed challenging the proceedings of the second respondent dated 04.04.2022.

2. It is the case of the petitioners that Arulmighu Aathi Korakanatha Swamy Temple situated in Thiruppuvanam, Manamadurai Taluk, Sivagangai District, is managed and administered by Ayira Vysya Chettiar of Nadu Mandalam and Manjaputhur Groups in Madurai and Ramanad Districts. One of the groups had filed O.S.No.38 of 1977 for framing a Scheme in respect of the said temple. By an order dated 12.11.2017, the Scheme was framed. However, there was no provision in the Scheme for electing/selecting Trustees in equal proportion because Manjaputhur Groups in Madurai and Ramanad consisted of odd number, since odd number of Trustees were being selected, the Manjaputhur Groups in Madurai and Ramand were continuously holding the post of



Chairman and Board of Trustee. That apart, they always had three Trustees as compared to two trustees from the Nadu Mandalam Group to which the petitioners belong. Lately many of the members of the community have shifted outside the District and have moved to Trichy, Theni, Dindigul and Tirupur for eking out their livelihood. The 1975 Scheme was later modified in the year 2001.

3. In this background, the fourth respondent and two others chose to make their applications for being elected/selected Trustees. Applications were also submitted by other community members in the same manner in 2018 for constituting the Trust Board. The fourth respondent had clandestinely managed to obtain a community certificate showing that he belongs to the Ayira Vysyar group, though he does not belong to the same. On account of the activities of the fourth respondent, the Trust Board could not be constituted and the second respondent had chosen to appoint Fit Person to the temple by his order dated 22.04.2022. These proceedings were challenged by the fourth respondent by filing R.P.No.70 of 2022 on the file of the first respondent. Pending disposal of



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this revision, the fourth respondent had also filed W.P.No.12606 of 2022 before the Principal Bench and a direction was issued to the fourth respondent to conduct the revision petition and till such time an order of interim stay was granted in respect of the operation of the order dated 22.04.2022. This order was challenged before the Hon'ble Division Bench in W.A.No.1402 of 2022. The writ appeal was disposed of by order dated 06.04.2023, directing the first respondent to dispose of the revision within a period of four weeks from the date of receipt of a copy of this order. The interim order that had been passed on 26.05.2022, was directed to be continued till the disposal of the revision.

4. It is also the case of the petitioners that despite such orders, the fourth respondent posing as the Managing Trustee had made an application in the year 2022 seeking permission for conducting the *Kumbabishegam* after the renovation work of the temple. Pursuant to this application, the second respondent was pleased to pass order dated 04.04.2022 permitting the conduct of the *Kumbabishegam*.



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5. The said order dated 04.04.2022 is the subject matter of challenge in W.P.(MD) No.14278 of 2022 and since Palalayam is already conducted, no further order is required and W.P.(MD) No.14278 of 2023 is closed.

6. By virtue of order dated 24.04.2022, the Assistant Commissioner/Executive Officer of Arulmigu Adaikkalam Katha Ayyanar and Bathrakaliamman Temple, Madappuram, was appointed as the fit person. The third respondent had also addressed a communication dated 05.09.2022 stating that the fourth respondent was collecting funds from the general public as Managing Trustee. While so, the fit person was removed and the third respondent was appointed as fit person of the temple *vide* order dated 05.06.2023 and pursuant to this, steps have been taken to hasten the *Kumbabishegam* without following the orders of this Court to dispose of the revision petition. This order dated 05.06.2023 is the subject matter of challenge in W.P.(MD) No.14278 of 2023.



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7. The records would show that by order in the Writ Appeal in W.A.(MD) No.1405 of 2022, the writ petition was disposed of very clearly stating that the interim order dated 26.05.2022 would remain in force till the revision petition is disposed of. That being so, without disposing of R.P.No.70 of 2022, the appointment has now been effected. Therefore, the same has to necessarily be set aside and accordingly, W.P. (MD) No.14146 of 2023 is disposed of with a direction to the respondents to conclude the enquiry in O.A.No.70 of 2020 within a period of two weeks from today. Till then *status quo* as on 26.05.2022 will be maintained by the parties concerned. No costs. Consequently, connected miscellaneous petitions are closed.

8. Post the matter 'for reporting compliance' on 07.07.2023.

19.06.2023

(3/3)

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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Dated: 19.06.2023

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