



W.P.(MD) No.14614 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.14614 of 2023

R.Maharajan

.. Petitioner

Vs.

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

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

3.The Assistant Commissioner cum Executive Officer,
Irukkankudi Arulmighu Mariamman Temple
Sattur Taluk, Virudhunagar District.

4.Ramar Poosari

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the second respondent to complete the surcharge proceedings dated 19.05.1999 pending for decades against the Hereditary



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Trustee Late.S.Sangaiah Poosari and his legal heirs in the light of the representation dated 05.05.2023 sent by the petitioner on 10.05.2023 within a time period to be fixed by this Court.

For Petitioner : Mr.N.Dilipkumar
For RR1 & 2 : Mr.P.Subbaraj
Special Government Pleader
For R3 : Mr.V.R.Shanmuganathan

ORDER

The above writ petition is filed for a mandamus to the second respondent to complete the surcharge proceedings dated 19.05.1999, which has been pending for decades against the Hereditary Trustee Late S.Sangaiah Poosari and his legal heirs, by considering the petitioner's representation dated 05.05.2023 sent on 10.05.2023.

2. In the affidavit filed in support of the petition, the petitioner has stated that when the deceased Sangaiah Poosari was functioning as the Chairman of the Trust Board between 1988 and 1998, there has been huge misappropriation of funds and loss of money caused to the temple,



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which is amply evident from a perusal of the audit report. The petitioner would submit that proceedings under Section 53 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, was initiated and notice was issued on 19.05.1999 by the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Sivagangai, asking him to furnish his reply. Several opportunities were given to the said Sangaiah Poosari to produce document. Thereafter, the Joint Commissioner proceeded to hear the arguments of his counsel on 03.08.2001 and the accusations made against him were found to be proved and he was removed from the post of Hereditary Trustee by order dated 07.08.2001, which was passed by the Secretary to the Government and approved by the Governor. This order has become final.

3. That apart, both Sangaiah Poosari and his son Ramar Poosari had, in a proceedings in W.P.No.8407 of 2007, undertaken to make good the loss caused to the temple as determined in a pending surcharge proceedings. Criminal proceedings were also initiated. The proceedings were being dragged by the said Sangaiah Poosari and after his demise,



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his legal representatives were being heard in the proceedings. Although 24 years had passed since the surcharge proceedings had been initiated, there has been no finality arrived to date. Hence, the petitioner has approached this Court.

4. Considering the delay in the disposal of the surcharge proceedings and also taking into account the charges against the deceased Sangaiah Poosari and the undertaking given by him and his son, the second respondent is directed to complete the surcharge proceedings within a period of four weeks from the date of receipt of a copy of this order.

5. With the above observations and direction, this Writ Petition is disposed of. No costs.

21.06.2023

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



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WEB COPY

To

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Nungambakkam, Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
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P.T.ASHA, J.

abr

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