



W.P.(MD) No.15092 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.15092 of 2023

and

W.MP(MD) No.12700 of 2023

G.Jeyaraman

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Dindigul District.

2.Arul Migu Goundappar Thirukovil,
Represented by its Paraovalasu,
Palappanpatti,
Oddanchathiram Taluk,
Dindigul District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to include the name of the petitioner as hereditary poojari of the second respondent temple by considering the representation of the petitioner dated 01.03.2023

For Petitioner : Mr.SC.Herold Singh



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For Respondents : Mr.P.Subbaraj
Special Government Pleader for R1
Mr.R.Murali for R2

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents to include the name of the petitioner as hereditary poojari of the second respondent temple, by considering the representation of the petitioner dated 01.03.2023.

2. It is the case of the petitioner that the second respondent temple is a century old temple, which was maintained by the ancestor of the petitioner and thereafter, by their descendants including the petitioner. The temple is a schedule temple and a scheme has been framed by the first respondent herein in O.S.No.17 of 1986 dated 09.02.1987. As a result, the temple has been administered by the trustees. By proceedings, dated 01.11.2004, five persons were elected as non-hereditary trustees. They are K.Subramani, P.Chellathurai, K.Goundappan, Thirumalaisamy and Palanisamy and they were appointed for the period of three years or



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till they attain the age of 70 years, whichever was earlier. The said proceedings was reviewed saying that the first respondent could appoint only three non-hereditary trustees and the two others had been nominated by the Government. On an application moved by one Elamparrithi and three others before the first respondent, who, by an order dated 19.05.2022, appointed C.Elamparithi, Jeyaraman and Prakash as hereditary poojari so as to receive the respect and offering in accordance with Section 63(e) of the Tamil Nadu Hindu Religious and Charitable Endowments Act.

3. It is the further case of the petitioner that since there are five posts, only three post were filled up. The petitioner made an application appointing him as hereditary poojari, which request has not been considered. By proceedings, dated 17.06.2023, the second respondent was pleased to appoint C.Elamparithi, P.P.Balusamy and S.Prakash for two years as trustees. Though the scheme contemplates the appointment of five trustees, the Department is deliberately keeping a cap on this number by only appointing three persons and the first respondent has not



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forwarded his application to appoint him as trustee. Therefore, the petitioner has come forward with the instant writ petition.

4. Considering the fact that the petitioner has been submitted his representation even on 01.03.2023, this writ petition is disposed of with a direction that the application of the petitioner shall be disposed of by the respondents within a period of four weeks from the date of receipt of a copy of this order. It is needless to state that no new hereditary trustee will be appointed till the disposal of the representation. No costs. Consequently, connected miscellaneous petition is closed.

26.06.2023

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

To
The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Dindigul District.



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P.T.ASHA, J.

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