



W.P.(MD).No.16037 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.16037 of 2023

P.Mangal

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungampakkam,
Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai – 630 562.
3. The Deputy Commissioner,
Hindu Religious and Charitable Endowment Board,
Paramakudi.
4. Lakshmi Kumaran Sethupathy
5. Nagendra Sethupathy
6. Mahalakshmi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of ***Writ of Mandamus***, by directing Respondents No.1 to 3 not to nominate the Respondents No.4 to 6 for the post of hereditary trustee of Ramanathasamy Devasthanam, Rameswaram, Ramanathapuram District on the basis of the Petitioner's representation, dated 14.06.2023.



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For Petitioner : Mr.M.Sankar
For R-1 to R-3 : Mr.S.P.Maharajan,
Special Government Pleader
For R-4 to R-6 : Mr.V.R.Shanmuganathan,
Standing Counsel

ORDER

This writ petition is filed for *Writ of Mandamus*, directing the respondents 1 to 3 not to nominate the Respondents No.4 to 6 for the post of Hereditary Trustee of Ramanathasamy Devasthanam, Rameswaram, Ramanathapuram District, on the basis of the Petitioner's representation, dated 14.06.2023.

2. Heard Mr.M.Sankar, learned counsel appearing for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader appearing for R-1 to R-3 and Mr.V.R.Shanmuganathan, learned Standing Counsel, appearing for R-4 to R-6. Perused the material documents placed on record.

3. The brief facts as stated in the affidavit are that respondent 4 is wife of one Kumaran Sethupathy and respondents 5 to 6 are son and



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daughter of the said are Kumaran Sethupathy. The said Kumaran Sethupathy and one R.B.K. Rajeswari (who is the Hereditary Trustee of the Ramanathasamy Devasthanam) are legal heirs of the Rameswaram Samasthanam and they have property disputes and a civil suit is pending in O.S.No.39 of 2015 on the file of the IV Additional District Judge, Madurai. An interlocutory application is filed in I.A.No.194 and 195 of 2015 and there are interim stay and the same is still in force. Moreover, against the claim of the said R.B.K. Rajeswari, the District Revenue Officer has passed an order dated 28.04.2015, aggrieved over the same she had preferred an appeal in O.S.No.91 of 2016 on the file of the IV Additional District Judge, Madurai. Both the suits are pending as on date.

4. In the meanwhile, the said Kumaran Sethupathy and his wife Lakshmi Kumaran Sethupathy has entered into Memorandum of Understanding (MOU) dated 25.03.2011 with the petitioner and the petitioner has paid part amount. The contention of the petitioner is that the MOU is binding on the respondents 4 to 6. Since the MOU was could not be executed, the petitioner is taking steps to recover the amount she had paid. In such circumstances, the respondents 4 to 6 is trying to get post of hereditary trustee of Ramanathasamy Temple Devasthanam, since as per the provisions of HR&CE Act, the respondents 4 to 6 are not



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entitled to be nominated as hereditary trustee for the temple, when they intended to sell the temple property. Even according to the petitioner, she is trying to recover the advance amount paid to her, which means the MOU was not executed and not acted upon.

5. It is seen that the petitioner is the proposed buyer as per the MOU and the buyer has come before this Court not to appoint the respondents 4 to 6 as hereditary trustee. On one side the petitioner is intended to purchase the temple property and on the other side she is complaining that the 4th respondent is selling the property and hence she shall not be granted hereditary trustee post and it is crocodile tears.

6. The petitioner has misconceived the concept of hereditary trustee. The said post is conferred to the Ramanathapuram Samasthanam and the respondents are legal heirs of the said Samasthanam and their hereditary trusteeship is recognized under law. Therefore, this Court is not inclined to appreciate the petitioner's stand.



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7. Accordingly, this Writ Petition stands dismissed. No

Costs.

Index : Yes / No

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Internet : Yes

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S.SRIMATHY, J

ksa

**Order made in
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