



W.P. (MD) No. 17433 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 17433 of 2020

and

W.M.P. (MD) Nos. 14585 and 14586 of 2020

A.Saravana Babu

... Petitioner

Vs.

1. The Principal Secretary to Government,
Hindu Religious Charitable
Endowment Department,
Secretariat, Chennai.
2. The Commissioner,
Hindu Religious Charitable Endowment
Department,
No.117, Uthamar Gandhi Salai,
Nungambakkam,
Chennai -600 034.
3. The Joint Commissioner,
Hindu Religious Charitable Endowment
Department,
Thanjavur.
4. The Inspector General of Registrar,
The Inspector General of Registration,
Santhom,
Chennai.



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5. Sri.Muthukumarasamy Thambiran,
Kasi Madam,
Thirupananthal,
Thiruvidadaimaruthur Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the First Respondent to appoint a Fit Person to manage the Thirupananthal Temple Trust, to take appropriate action against the Fifth Respondent by conducting an enquiry relating to mismanagement of the Thirupananthal Temple Trust property on the basis of the Petitioner's representation dated 25.08.2020.

For Petitioner : Mr. S.P.Manikandan

For Respondents : Mr. P.Subbaraj
Special Government Pleader
(for R1 to R4)

Mr. Muthumani Doraisami (for R5)

ORDER

Heard Mr. S.P.Manikandan, Learned Counsel for the Petitioner, Mr. P.Subbaraj, Learned Special Government Pleader appearing for the First to Fourth Respondents and Mr. Muthumani Doraisami, Learned Counsel for the Fifth Respondent and perused the materials placed on record, apart from the



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pleadings of the parties.

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2. The Petitioner, who claims to be a devotee of the Fifth Respondent, has filed this Writ Petition for directing the First Respondent to appoint a Fit Person to manage the Thirupanenthal Temple Trust and to take action against the Fifth Respondent by conducting enquiry relating to mismanagement of the property of the said Trust on the basis of his representation dated 25.08.2020.

3. Learned Counsel for the Fifth Respondent has brought to notice of this Court that the Second Respondent by proceedings in Ni. Mu. No. 37243/06/R1 dated 30.03.2007 has held that an extent of 1006.24 acre Nanja lands and 63.84 acre Punja lands as mentioned in the order are alone governed by the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short) in respect of the property of the Fifth Respondent and in respect of other properties, the provisions of the Act would not have any application. Though *suo motu* proceedings has been initiated against the said order of the Second Respondent by the First Respondent in *suo motu* Revision No. 03/R.E.4-1/2015 dated 13.01.2015, the Division Bench of this Court by order dated 08.02.2021 in W.A. No. 972 of 2020 had quashed the same, meaning thereby that the order of the Second



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Respondent has been affirmed.

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4. In such circumstances, having regard to the nature of grievance ventilated by the Petitioner, it is made clear that the First Respondent shall consider the representation dated 25.08.2020 made by the Petitioner in respect of the properties covered by the order dated 30.03.2007 passed by the Second Respondent and take necessary further action in that regard following the prescribed procedure after affording full opportunity of personal hearing to all parties concerned including the Petitioner and the Fifth Respondent and pass reasoned order dealing with each of the contentions raised on merits and in accordance with law. It is made clear that in the event of order dated 08.02.2021 in W.A. No. 972 of 2020 passed by the Division Bench of this Court has been challenged in any legal proceedings, depending upon its outcome, the Petitioner is at liberty to make fresh application for their properties in accordance with law. It is needless to add here that no view has been expressed by the court on the merits of the controversy involved in the matter.



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In the result, the Writ Petition is disposed with the aforesaid clarifications. Consequently, the connected Miscellaneous Petitions are closed.

No costs.

08.02.2023

PKN

NCC : Yes/No

Index : Yes/No

Note: Issue order copy by 16.06.2023.

To

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P.D.AUDIKEAVALU,J.

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