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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.20019 of 2023

S.Kannayiram Pillai

... Petitioner

VS.

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
B1 Salai, Elies Nagar,
Madurai-625 016.

2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.18, Natchi Street,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the Respondents to consider the representation, dated on 27.03.2023 for appointment of the hereditary trustee of the Arulmigu Subramaniya Swamy Temple, Sattur, Virudhunagar District.



For Petitioner : Mr.G.Dhivya Barathi
For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

This Writ Petition is filed for Mandamus, to direct the Respondents to consider the petitioner's representation, dated on 27.03.2023 for appointing Hereditary Trustee of the 'Arulmigu Subramaniya Swamy Temple' Sattur, Virudhunagar District.

2. Heard Mr.G.Dhivya Barathi, the Learned Counsel appearing for the Petitioner and Mr.S.Kameswaran, the Learned Government Advocate appearing for the Respondents. Perused the material documents available on record.

3. The petitioner is claiming Hereditary Trusteeship based on the settlement deed and other documents as early as 1935. The contention of the petitioner is that already the respondents have considered and declared the



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Hereditary Trusteeship among the persons namely 1) Ramalingam Pillai, 2) M.Arumugam Pillai, 3) P.S.Raja Pillai, 4) Sethuramalingam Pillai, 5) Shanmuganantham Pillai in O.A.No.9 of 1982 vide order dated 22.09.1982. Based on the order the respondents vide proceedings, dated 02.07.1983 have appointed the aforesaid persons as hereditary trustees. Thereafter the 1,2,3 was deceased and 4th had resigned from the post.

4. Thereafter the respondents had appointed 1) S.Amirthalingam, 2) K.Paramasianpillai, 3) G.Karuppasamy Pillai, 4) P.Vishwanatha Pillai as Hereditary Trustees in the said vacancy. However, one more post is vacant and the petitioner has applied for the same on 27.03.2023.

5. Therefore, the respondents are directed to consider the petitioner's petition which is pending before the second respondent and pass orders within a period of four weeks from the date of receipt of a copy of this order.



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6. With these observations and directions, this Writ Petition is allowed. There shall be no order as to costs.

Index : Yes / No

Internet : Yes

NCC : Yes / No

Sml/Ksa

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