



WP(MD)No.9027 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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and

WMP(MD)No.1 of 2015

Saadhu Sennimalai Thambiran
Swami Madam (Trust) Palani,
Represented by M.Sasikumar,
Hereditary Trustee,
Door No.156, Dindigul Road,
Palani,
Dindigul District.

... Petitioner

Vs

1.The Special Commissioner and
Commissioner,
Hindu Religious and Charitable Endowment
Administration Department,
Nungambakkam High Road,
Madras - 600 034.

2.The Joint Commissioner (Addl in charge),
Hindu Religious and Charitable Endowment,
Madurai -1.

3.The Special Officer,
Arulmighu Gopinathasamy Thirukovil,
Reddiar Chathiram,
Dindigul District.

4.M.Kanagamani

5.Gopinath

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of certiorari calling for the records of the 2nd respondent's proceedings in Se.Mu.Na.Ka.No.3052/2015/AA1 dated 24.04.2015 and quash the same as illegal, unlawful, arbitrary and against the principles of natural justice.

For petitioner : Mr.M.Karthikeyavenkitachalapthy
For Respondent : Mr.P.Subburaj
Nos.1 and 2 Special Government Pleader
For Respondent : Mr.S.Laxmanan
No.3
For Respondent : Mr.R.G.Shankar Ganesh
No.5
For Respondent : No appearance
No.4

ORDER

This writ petition has been filed by one Sasikumar as a Hereditary Trustee of Saadhu Sennimalai Thambiran Swami Madam (Trust) Palani, Dindigul. The petitioner claims that his forefather one Saadhu Sennimalai Thambiran has purchased a property in the year 1910 and out of the income derived from the property, the said Saadhu Sennimalai Thambiran was doing some services to Arulmighu Palani Dhandayuthapani Temple. He died in the year 1925.



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Thereafter, his daughter, Chenniammal has created a Trust in the year 1930 with the following members:- 1.Velliangiri Gounder 2.Narayanasamy Gounder 3.Velayutha Gounder 4.Kuppusamy Gounder 5.Pongia Gounder. Among the trustees, Velayutha Gounder has filed O.A.No.10 of 1968 under Section 63 (b) (d) of HR & CE Act before the Joint Commissioner to declare the Trust as a hereditary trust. The Joint Commissioner by order dated 28.02.1970 has declared the Trust as a hereditary Trust. After the demise of the said Velayutha Gounder, his son Lakshmana Gounder has succeeded and thereafter his son Manokaran has administered the Trust. Now the petitioner, who is the son of Manokaran is administering the Trust. The Joint Commissioner has appointed a fit person for administration of the Temple on the ground that the Trust is not performing the services properly. Challenging the same, this writ petition has been filed.

2.Pending this writ petition, one Gopinath has filed a impleading petition stating that the said Gopinath is the grand son of Chenniammal, who is the founder of the Trust



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and his father is also one of the trustees, thereby, he is

also having right to administer the Trust.

3.The learned Special Government Pleader appearing for the HR and CE Department submits that the contention of this petitioner that the petitioner is the hereditary trustee is not correct and the petitioner is not the grandson of Velayutha Gounder as claimed by him and Lakshmi Gounder as a power holder has got power for administration of the trust properties to some extent at the relevant point of time and has taken the administration. This petitioner as a grandson is now claiming to be hereditary trustee of the temple and the petitioner has not disputed this contention in the writ petition. He further submits that the decision with regard to the appointment of a Fit Person to this trust is pending with the Commissioner and orders would be passed by the Commissioner of HR and CE Department and as on date the 3rd respondent is administering the temple.



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4.Considering the submission made by the learned Special Government Pleader appearing for the HR and CE Department and the petitioner has not established that he is the hereditary trustee, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

17.10.2023

dsk

To

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Madras - 600 034.
- 2.The Joint Commissioner (Addl in charge),
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- 3.The Special Officer,
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B. PUGALENDHI, J.

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