



W.P(MD). No. 21889 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.02.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P(MD). No. 21889 of 2021

S.Venkatesan @ Sevugan Chetty

... Petitioner

-VS-

1. The Commissioner,
H.R. & C.E. Department, Chennai – 600 034.

2. The Joint Commissioner,
H.R & C.E. Department, Sivagangai.

3. V.V.Vairam

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Second and Third Respondents to dispose of the application given by the petitioner on 20.11.2020 within stipulated time.

For Petitioners : Mr. J.Malairaja for Mr. Arun Swaminathan

For Respondents : Mr. Veera Kathiravan
Additional Advocate General, assisted by
Mr. P.Subbaraj,
Special Government Pleader for R1 and R2
Mr. G.Prabhu Rajadurai for R3



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ORDER

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Heard Mr. J.Malairaja, Learned Counsel for the Petitioner, Mr. Veera Kathiravanan, Learned Additional Advocate General, assisted by Mr. P.Subbaraj, Learned Special Government Pleader, appearing for the First and Second Respondents and Mr.G.Prabhu Rajadurai, Learned Counsel appearing for the Third Respondent and, perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Second and Third Respondents to dispose the application submitted by the petitioner on 20.11.2020.

3. It is the case of the Petitioner that he is entitled to succeed to the Office of the Hereditary Trustee of Arulmigu Suyamprakasa Easwarar Thirukoil, Eluppakudi, in terms of Section 54(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, as a consequence of the removal of the Third Respondent viz., V.V.Vairam by proceedings in Na.Ka. No. 1791/2017/Aa1 dated 06.11.2020 passed by Second Respondent. As no order has been passed in the application dated 20.11.2020 made by the Petitioner in that regard, the Petitioner is prosecuting this Writ Petition.



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4. The Third Respondent has filed another Writ Petition in W.P. (MD) No. 19144 of 2020 challenging the said proceedings in Na.Ka. No.1791/2017/Aa1 dated 06.11.2020, removing him from the post of Hereditary Trustee of Arulmigu Suyamprakasa Easwarar Thirukoil, Eluppakudi, which has been dismissed as withdrawn by order dated 02.02.2023 by granting liberty to the Third Respondent to prefer appeal against the said proceedings before the Commissioner of the Hindu Religious and Charitable Endowments Department under Section 54(4) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. It is only in the event of the Third Respondent not succeeding in the proposed appeal that the question of filling up the vacancy by some other person would arise for consideration. As such, it would be premature to grant the relief sought by the Petitioner at this stage and it is made clear that the Petitioner is not precluded from working out his rights depending upon the outcome of the appeal proposed to be filed by the Third Respondent.

In the result, the Writ Petition is disposed with the aforesaid observations. No costs.

02.02.2023

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Index: Yes/No

Note: Issue order copy by 24.02.2023.



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To

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H.R. & C.E. Department, Chennai – 600 034.
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P.D. AUDIKESAVALU, J.

PKN

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