



W.P.(MD).No.23673 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.23673 of 2023
and
W.M.P.(MD).No.19846 of 2023**

P.Sivasankaran Pillai

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Virudhunagar.

4.The Inspector,
Hindu Religious and Charitable Endowments Department,
Srivilliputhur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent herein to dispose the application filed by the petitioner under Section 64[5] of the HR and CE Act for modification of scheme for Arulmighu



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Shivasubramania Swamy Thirukoil, Sivanthipatti, Srivilliputhur Taluk, Virudhunagar District and till such time direct the respondents herein to not to interfere with the administration of the petitioner as hereditary trustee administering the said temple by either appointing non hereditary trustees or otherwise and pass such further or other orders.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.R.Ragavendran,
Government Advocate.

ORDER

This Writ Petition is filed for Mandamus, directing the second respondent herein to dispose the application filed by the petitioner under Section 64(5) of the HR and CE Act for modification of scheme.

2. Admittedly, the petitioner is a hereditary trustee. As per scheme, non-hereditary trustee ought to be appointed. However, since eligible persons are not available, non-hereditary trustees are not appointed. Since there is non- availability of non-hereditary trustee, the petitioner is finding difficult to administer the Temple as per the scheme. Hence, the petitioner had filed a petition to modify the scheme and the same is pending before the authorities.



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The authorities are directed to dispose of the application within a period of six (6) months from the date of receipt of a copy of this order. In the meanwhile, the petitioner shall administer the Temple. The respondents shall not disturb the administration.

3. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

Nsr

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