



W.P. (MD) No. 24969 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2023

CORAM

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

W.P.(MD) No. 24969 of 2019

and

W.M.P. (MD) No. 21550 of 2020

S.Thirumurthy

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Chennai – 34.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
B1 Road, Ellis Nagar,
Madurai – 16.

3.The Fit Person,
Sri Sootukkol Ramalinga Math,
Arapalayam,
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorari, calling for the records of the impugned order of 1st respondent dated 19.09.2019 in Se.Mu.Na.Ka.No.7974/2019/L5 and quash the same as illegal.



W.P. (MD) No. 24969 of 2019

WEB COPY

For Petitioner : Mr. C.Guhaseelarupan
For Respondents : Mr. T.Villavan Kothai
Additional Government Pleader
For R1 and R2
Mr. S.Manohar (for R3)

ORDER

Heard Mr. C.Guhaseelarupan, Learned Counsel for the Petitioner, Mr. T.Villavan Kothai, Learned Additional Government Pleader appearing for the First and Second Respondents and Mr. S.Manohar, learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the proceedings in Se.Mu.Na.Ka.No. 7974/2019/L5 dated 19.09.2019 issued by the First Respondent appointing Executive Officer for the Madalayam of the Third Respondent.



W.P. (MD) No. 24969 of 2019

3. The grievance ventilated by the Petitioner is that he is the lineal descendant of the founder of the Madalayam, viz., Ayyachamy Vaathiyar, and there is a likelihood of him succeeding as Hereditary Trustee of that Madalayam and in that event, the impugned appointment of the Executive Officer ought not to impede his rights to exercise the powers of the Hereditary Trustee of that Madalayam. In that backdrop, Learned Counsel for the Petitioner submits that the Petitioner would be satisfied if the right of the Petitioner to seek revocation of the right of the appointment of Executive Officer is protected when he is declared as Hereditary Trustee of that Madalayam.

4. Having regard to the aforesaid submission made, it is made clear that the impugned order appointing the Executive Officer for the Madalayam shall not preclude the right of the Petitioner to apply for revocation of appointment of the Executive Officer of the Madalayam, if the Petitioner is declared as its Hereditary Trustee in future. It is hastened to add that no view has been expressed by this Court on the merits of the controversy involved in that regard.



W.P. (MD) No. 24969 of 2019

WEB COPY

5. In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petition is closed. No costs.

04.01.2023

2/2

NCC : Yes/No

Index : Yes/No

Internet : Yes /No

sj

Note: Issue copy of the order by 30.01.2023

To

1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Chennai – 34.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
B1 Road, Ellis Nagar,
Madurai – 16.



WEB COPY



W.P. (MD) No. 24969 of 2019

P.D. AUDIKESAVALU, J.

sj

W.P.(MD) No. 24969 of 2019

Dated : 04.01.2023
2/2