



W.P.(MD)No.24390 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.24390 of 2023

Kalayanasundara Pattar

... Petitioner

versus

1. The Commissioner,
Hindu Religious and Charitable
Endowment Board,
Chennai – 34.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Ellis Nagar,
Madurai.

3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Board,
Virudhunagar,
Virudhunagar District.

4. Sakthikumar Pattar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,



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seeking for the issuance of Writ of Mandamus, to direct the respondents 1 to 3 to recognize the petitioner or the 4th respondent as the Hereditary Trustee of the Kumaran @ Subramaniya Swamy Thirukovil, Ellinganaickenpatti, Senkundrapuram Post, Virudhunagar District, on the basis of the petitioner's representation dated 15.09.2023 within a time frame to be stipulated by this Court.

For Petitioner : Mr.A.Arumugam

For R1 to R3 : Mr.P.Subba Raj,
Special Government Pleader

ORDER

This writ petition is filed for a Mandamus directing the respondents 1 to 3 to recognize the petitioner or the 4th respondent as Hereditary Trustee of the Kumaran @ Subramaniya Swamy Thirukovil, Ellinganaickenpatti, Senkundrapuram Post, Virudhunagar District, based on the petitioner's representation dated 15.09.2023 within a time frame to be stipulated by this Court.



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2. The learned counsel appearing for the petitioner submits that one Sagasthira Kodi Pattar, the brother of the petitioner, was the Hereditary Trustee of a Temple, by name, Kumaran @ Subramaniya Swamy Thirukovil, situated at Ellinganaickenpatti, Senkundrapuram Post, Virudhunagar District. He died 12 years ago. During his life time, he had maintained the temple as hereditary trustee along with one Parvatharaja Patta and Somasundara Pattar as co-trustees. The said co-trustees had also died. In these circumstances, the petitioner is looking after the Temple as a poojari and also maintaining the affairs of the Temple with the help of his son, namely, Sakthikumar Pattar, who is the 4th respondent herein. The learned counsel for the petitioner further submits that the said Sagasthira Kodi Pattar never married and there are no other legal heirs except the petitioner. Further, the whereabouts of the legal heirs of the co-trustees are not known and they do not evince any interest in the affairs of the temple. Now, the petitioner is aged about 93 years old. Therefore, he submitted a representation to the 2nd respondent on 15.09.2023 requesting to recognize him or his son,



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namely, 4th respondent herein as hereditary trustee of the temple.

Since there was no action on the said representation, the present writ petition has been filed.

3. The learned Special Government Pleader, who takes notice for the respondents 1 to 3 submits that if the petitioner wants to recognize him or his son as hereditary trustee of the temple, he can file an application with relevant materials, under Section 63(b) of HR&CE Act. On filing such application, the same would be considered by the respondents. If the petitioner specifies in the application that he is functioning as hereditary trustee of the temple, he is entitled to be appointed as hereditary trustee.

4. In view of the said submission, this writ petition is disposed of. with a direction to the petitioner to submit a fresh application under Section 63(b) of HR&CE Act, along with the required documents if any to the second respondent/the Joint Commissioner, within a period



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of two weeks from the date of receipt of a copy of this order. If any such application is received, the second respondent shall consider the same and take a decision, based on its merits, within a period of 12 weeks from thereon. No costs.

09.10.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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B.PUGALENDHI, J.

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