



W.P.(MD).No.25517 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:20.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.(MD).No.25517 of 2023

Sappani

... Petitioner

Vs.

1.The District Collector,
Tiruchirappalli,
Tiruchirappalli District.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Tiruchirappalli-05.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Tiruchirappalli-05.

4.The Thasildhar,
Manachanallur Taluk,
Tiruchirappalli District.

5.The Inspector,
Hindu Religious and Charitable Endowment Department,
Manachanallur,
Tiruchirappalli.

...Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to make appropriate action to appoint Scheduled Caste person as a one of the Trustee in Arulmiguvinayagar Pidari Muthukarupu Temple, as per the proceedings of the third respondent in Na.Ka.No.269/2023/A5 dated 25.01.2023.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.R.Subbaraj
Special Government Pleader

ORDER

The petitioner, as a devotee of Arulmigu Vinayagar Pidari Muthukarupu Temple, has filed the present Writ Petition seeking Mandamus to the respondents to appoint a Scheduled Caste person as one of the Trustees in the said Temple, as per the proceedings issued by the third respondent, namely, the Assistant Commissioner of Hindu Religious and Charitable Endowments Department, Tiruchirappalli, in Na.Ka.No.269/2023/A5 dated 25.01.2023.



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2. The learned counsel appearing for the petitioner submits that the third respondent, vide proceedings, dated 25.01.2023, has invited applications under Section 49(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, for appointing Trustees in Arulmigu Vinayagar Pidari Muthukarupu Temple. She further submits that Section 49 of the said Act mandates the appointment of a Scheduled Caste person as one of the Board of Trustees. Therefore, the petitioner claims that the third respondent, while appointing the Board of Trustees, has to appoint one person from the Scheduled Caste Community.

3. Mr.P.Subburaj, the learned Special Government Pleader, who takes notice for the respondents, submits that the Board of Trustees would be appointed in accordance with the Act and Rules and even in the notice dated 25.01.2023, the applications have been invited from the Scheduled Caste Community and as on date, four applications have been received and one application is received from the Scheduled Caste Community and therefore, the decision would be taken by the third respondent, namely, the Assistant Commissioner, in accordance with the Act and Rules. However, the learned Special Government Pleader



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submits that the application would be considered subject to the conditions stipulated under Sections 25A and 26 of the said Act.

4. This Court considered the rival submissions made by both sides.

5. The petitioner has made a representation before the respondents on 18.09.2023 to appoint a Scheduled Caste person as one of the Trustees in the said Temple by referring to the provision under Section 49(1) of the said Act and filed this writ petition seeking Mandamus with an apprehension that the respondents may not appoint a Trustee from the Scheduled Caste Community in the said Temple. However, the Act itself mandates the respondent to appoint a Scheduled Caste person as one of the Board of Trustees along with one woman member, however, subject to the conditions stipulated under Section 25A of the said Act. Similarly, certain disqualifications have also been prescribed under Section 26 of the said Act. Therefore, the third respondent shall consider the applications in accordance with Sections 25A and 26 of the said Act.



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6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

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Index: Yes/No
Internet: Yes/No
ssb

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