



W.P.(MD).No.26041 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:01.11.2023

CORAM:

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

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1.K.Venkatesan
2.N.Kumaraguru
3.S.Ramachandran
4.C.Shanmugathai
5.P.Vengatesh

... Petitioners

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai-24.

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

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

4.Fit Person/Thakkar,
Kappanur Village,
Kadaladi Taluk,
Ramanathapuram District.

5.A.Muthupandi

...Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the third respondent in his proceedings vide Se.Mu.Nada.Na.Ka.No.3680-63/2018-A7 dated 21.06.2023 and to quash the same as illegal and arbitrary.

For Petitioner : Mr.S.Ramanathan

For Respondents : Mr.P.Subbaraj
Special Government Pleader
for R1 to R4

ORDER

This Writ Petition has been filed challenging the impugned order passed by the third respondent vide proceedings in Se.Mu.Nada.Na.Ka.No.3680-63/2018-A7, dated 21.06.2023, appointing the fifth respondent as Non-Hereditary Trustee in Arulmigu Vadakku Vasal Selliyanman Temple situated at Vadakkur Village, Mudukulathur Taluk, Ramanathapuram District.

2. The petitioners claim that they are administering and maintaining the said Temple for the past seven generations and according



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to them, a Fit Person was appointed by the respondents Department in the year 2022 and he has not acted upon properly and these petitioners are continuing to administer the said Temple. While so, the third respondent, vide impugned proceedings, dated 21.06.2023, has appointed the fifth respondent as Non-Hereditary Trustee for the said Temple. Challenging the same, the petitioner has filed the present writ petition.

3. The learned counsel appearing for the petitioners submits that Non-Hereditary Trustee appointed by the third respondent is from a dominant community and therefore, he may disturb the administration of the petitioners. He further submits that the petitioners have already filed an application in O.A.No.6 of 2023 before the second respondent to declare them as Hereditary Trustees and the same is pending. The petitioners apprehend that the Non-Hereditary Trustee/fifth respondent herein appointed by the third respondent may misuse the properties of the Temple.

4. The learned Special Government Pleader appearing for the respondents 1 to 4 submits that though the petitioners claim that they are



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administering the said Temple, they have filed an application to declare them as Hereditary Trustee under Section 63(b) of the Hindu Religious and Charitable Endowments Act, 1959, only in the month of May 2023 and they are yet to be decided. In the meantime, for proper administration, the third respondent has identified the fifth respondent and appointed him as Non-Hereditary Trustee as per the powers conferred under Section 49(1) of the said Act.

5. This Court considered the rival submissions made on behalf of either side.

6. Though the petitioners claim that they are administering the said Temple for the past seven generations and have filed an application to declare them as Hereditary Trustees under Section 63(b) of the said Act, the third respondent, namely, the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Ramanathapuram District, has appointed the fifth respondent as Non-Hereditary Trustee only for administration and maintaining the properties of the Temple properly. Therefore, no interference is required with the impugned order



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passed by the third respondent. However, the second respondent, namely, the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Sivagangai District, shall conclude the proceedings in O.A.No.6 of 2023 filed by the petitioners as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. If it is veracious that the petitioners are administering the said Temple for the past seven generations, they shall be permitted to function as Administrators of the said Temple along with the Non-Hereditary Trustee. In the event, if the fifth respondent takes any decision dominating the administration or with regard to the properties of the Temple, the petitioners are at liberty to report the same before the third respondent.

7. 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
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