



W.P. No. 1341 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

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

W.P. No. 1341 of 2024

and

W.M.P. No. 1374 and 1425 of 2024

Raja

... Petitioner

-VS-

1. The Commissioner,
Hindu Religious Charitable and Endowments Department,
Uthamar Gandhi Road,
Thousand Light West,
Nungambakkam,
Chennai – 600034.
2. The Joint Commissioner,
Hindu Religious Charitable and Endowments Department,
Neela South Street,
Nagapattinam,
Pincode – 611001.
3. The Assistant Commissioner,
Hindu Religious Charitable and Endowments Department,
Sattaiappar South Street,
Nagapattinam,
Pincode – 611001.
4. S.Muthazhagan
5. D.Vijay Anand
6. S.Sekar

... Respondents



W.P. No. 1341 of 2024

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for records relating to appointment of 1. Non Hereditary Trustee Fourth Respondent / S.Muthazhagan for Arulmigu Muthu Mariamman Thirukoil (ITMS No. 16250), Poravacherry, Nagapattinam Taluk and District vide Se.Mu.Na.Ka. No. 1942/2023-E2, dated 02.07.2023 and 2. appointment of Non Hereditary Trustee Sixth Respondent / S.Sekar for Arulmigu Sirai Meetta Ayyanar Temple, (ITMS No. 16251), Poravacherry, Nagapattinam Taluk and District vide Se.Mu.Na.Ka. No. 1934/2023-E2, dated 00.07.2023 on the file of Third Respondent and to quash the same consequently direct the First to Third Respondents to conduct fresh proceedings for the appointment of trustee to Arulmigu Muthu Mariamman Thirukoil and Arulmigu Sirai Meetta Ayyanar Thirukoil herein but not for Arulmigu Kaliasman Deity which is existing in Arulmigu Muthu Mariamman Thirukoil as per la and procedures and direct the Third Respondent bot to serve order passed if any in relating to the appointment of Non Hereditary Trustee, Arulmigu Kaliasman Temple, Poravacherry, Nagapattinam Taluk and District in favour of the Fifth Respondent / D.Vijay Anand.

For Petitioner : Mr. R.Sampath Kumar

For Respondents : Mr. K.Karthikeyan, GA (RR 1 to 3)

ORDER

Heard Mr. R.Sampath Kumar, Learned Counsel for the Petitioner and Mr. K.Karthikeya, Learned Government Advocate appearing for the First to Third Respondents and perused the materials placed on record, apart from the



W.P. No. 1341 of 2024

pleadings of the parties.

WEB COPY

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Fourth to Sixth Respondents, notice to him is dispensed with.

3. The Third to Sixth Respondents have been appointed as Non Hereditary Trustees of the Arulmigu Muthu Mariamman Temple, Arulmigu Maha Kaliyamman Temple and Arulmigu Sirai Meetta Ayyanar Temple respectively in furtherance to the Notification dated 12.06.2023 calling for applications for the said post.

4. It is the case of the Petitioner that the Fourth to Sixth Respondents, who are encroachers of the properties of those temples and owe several amount of arrears, are disqualified to hold the office of Trustees of the said Temples, and that the representation dated 12.09.2023 made by the Petitioner in that regard to the Second Respondent for their removal has not evoked any response, which has necessitated the filing of this Writ Petition.



W.P. No. 1341 of 2024

5. It is informed by Learned Government Advocate appearing for the First to Third Respondents that the said representation dated 12.09.2023 made by the Petitioner would be treated as an application made by him under Section 26(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, (hereinafter referred to as 'the Act' for short) seeking for disqualification and removal of the Fourth to Sixth Respondents from the office of the Trustees of the respective Temples to which they had been appointed earlier, and he has also filed memo dated 24.11.2023 to that effect, which is placed on record.

6. Having regard to the aforesaid submissions made, this Court without expressing any view on the merits of the controversy, passes the following order:-

- (i) the concerned authority under the Act shall immediately examine the representation dated 12.09.2023 made by the Petitioner treating it as an application under Section 26(3) of the Act to ascertain whether the Fourth to Sixth Respondents have been disqualified or holding the office of Non Hereditary Trustees of the Temples to which they have been appointed;
- (ii) if it is found that any other details or supporting documents are necessary, the deficiencies in that regard shall be informed in writing to the



W.P. No. 1341 of 2024

Petitioner and the Fourth to Sixth Respondents and all other persons

concerned requiring the same to be furnished within a time frame of not less than 10 days for the same;

- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner, the Fourth to Sixth REspondents and all other persons concerned to explain their position in that regard; and
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated to the parties by 30.06.2024 under written acknowledgment.

7. In respect of the contention raised by the Petitioner that his application for appointment as Non-Hereditary Trustee of the Temple had been rejected on 07.11.2023 stating that there were no vacancies, it is clarified by the Respondents that the said vacancies had already been filled up on 31.07.2023 after calling for application on 12.06.2023 and that the subsequent notification issued on 27.09.2023 was by mistake.



W.P. No. 1341 of 2024

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

Consequently, the connected Miscellaneous Petitions are closed. No costs.

24.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 14.02.2024.

vjt

To

1. The Commissioner,
Hindu Religious Charitable and Endowments Department,
Uthamar Gandhi Road,
Thousand Light West,
Nungambakkam,
Chennai – 600034.
2. The Joint Commissioner,
Hindu Religious Charitable and Endowments Department,
Neela South Street,
Nagapattinam,
Pincode – 611001.
3. The Assistant Commissioner,
Hindu Religious Charitable and Endowments Department,
Sattaiappar South Street,
Nagapattinam,
Pincode – 611001.



W.P. No. 1341 of 2024

Copy to

1. Raja,
S/o Pakirisamy,
No. 4/121, Perumal South Street,
Poravacherry, Sikkal – 611108,
Nagapattinam Taluk and District.
2. S.Muthazhagan,
S/o Subramanian,
No. 5/118-1, Perumal Kovil Nadu Street,
Poravacherry, Sikkal – 611108,
Nagapattinam Taluk and District.
3. D.Vijay Anand,
S/o Devadoss,
Poravacherry, Sikkal – 611108,
Nagapattinam Taluk and District.
4. S.Sekar,
S/o Sivalingam Pillai,
No. 5/129, Perumal Mela Madavilagam,
Poravacherry, Sikkal – 611108,
Nagapattinam Taluk and District.



WEB COPY



W.P. No. 1341 of 2024

P.D. AUDIKESAVALU, J.

vjt

W.P. No. 1341 of 2024

24.01.2024