



WEB COPY



W.P.No.2117of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.2117 of 2024 and
W.M.P.No.2265 of 2024

J.Venkatesan

... Petitioner

Vs.

1.The Commissioner,
Office of the Hindu Religious Charitable Endowment,
Nungambakkam, Chennai.

2.The Joint Commissioner,
Office of the Hindu Religious Charitable Endowment,
Tiruvannamalai District.

3.The Inspector,
Office of the Hindu Religious Charitable Endowment,
Cheyyar, Tiruvannamalai District.

4.K.Ramu

5.N.Kaasirajan

6.M.Elango

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent dated



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20.10.2023 vide Na.Ka.No.3927/2023/1 and quash the same as illegal and consequently direct the second respondent to appoint trustees in accordance with the scheme by following the procedures prescribed therein within a time to be stipulated by this Court.

For Petitioner : Mr.M.Sudhan

For Respondents : Mr.S.Ravichandran,
AGP (HR &CE) for R1 to R3

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent dated 20.10.2023 vide Na.Ka.No.3927/2023/1 and quash the same as illegal and consequently direct the second respondent to appoint trustees in accordance with the scheme by following the procedures prescribed therein within a time frame to be stipulated by this Court.

2. Heard Mr.M.Sudhan, learned counsel for the petitioner and Mr.S.Ravichandran, learned Additional Government Pleader for the respondents 1 to 3.



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3. The petitioner who is a resident of Eswarapuram village has preferred this Writ Petition on the allegation that the selection of three non-hereditary trustees for the Management of Pavadaimoorthy Vinayagar Temple has not been done in accordance with the scheme decree which has already been passed in this regard in O.A.No.766 of 1931 on 10.05.1932. The primary allegation of the petitioner is that the selection committee has not been constituted by the third respondent after giving a public notice. Therefore, the selection of three non-hereditary trustees itself is not legal.

4. However, the learned Additional Government Pleader for the respondents 1 to 3 submitted that due procedure has been followed in the selection and three non-hereditary trustees have been selected only in accordance with the scheme decree and there is no violation of rules or terms of the decree.

5. Since the scheme decree has already been passed and the manner in which the trustees have to be selected has also been detailed



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therein, if the petitioner who is a third party has got any objections, he will have to invoke the remedy only before the scheme Court by filing appropriate application and not by way of filing this Writ Petition.

6. With these observations, this Writ Petition is disposed. No costs.

Consequently, connected miscellaneous petition is closed.

01.02.2024

Index : Yes /No

Internet : Yes/No

Speaking / Non-speaking

Neutral Citation : Yes / No

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To

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R.N.MANJULA, J.

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