



W.P.No.1796 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.1796 of 2024
and W.M.P.No.1856 of 2024

R.Mannammal

...

Petitioner

/vs/

1. The Commissioner,
Hindu Religious and Charitable & Endowment Department,
Nungambakkam High Road,
Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable & Endowment Department,
Villupuram District.
3. The Assistant Commissioner / Executive Officer,
Arulmighu Melmalayanur Angalamman Temple,
Melmalayanaur,
Villupuram.
4. The Election Officer,
Arulmighu Melmalayanur Angalamman Temple,
Melmalayanaur,
Villupuram.

5. Krishnamurthy

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records of the fourth respondent order dated 29.12.2023 and quash the same and consequently direct the 4th respondent to include the petitioner's name in the voters list based on the petitioner's representation dated 26.12.2023.

For Petitioner ... Ms.S.Sowmiya

For Respondents ... Mr.N.R.R.Arun Natarajan
Special Govt. Pleader (H.R. & C.E.)
for R1 to R4

ORDER

The petitioner who claims to be the daughter of Munusamy Poosari who was one of the members of the seven branches as mentioned in the Scheme decree in O.A.No.144 of 1973 dated 05.03.1973 passed by the Deputy Commissioner, HR & CE. The seven branches are the families entitled to conduct Poojas at Arulmighu Melmalayanur Angalamman Temple. The grievance of the petitioner is that despite the petitioner claiming herself as the legal heir of the father, while electing the trustees as per the scheme decree, her name was not approved by the authorities concerned.



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2. Heard Mr.S.Sowmiya, the learned counsel for the petitioner and Mr.N.R.R.Arun Natarajan, the learned Special Government Pleader for the respondents 1 to 4.

3. Ms.S.Sowmiya, the learned counsel for the petitioner, submitted that the petitioner submitted her application along with her birth certificate to prove that she is the daughter of Munusamy Poosari.

4. Mr.N.R.R.Arun Natarajan, the learned Special Government Pleader for the respondents 1 to 4 submitted that the petitioner did not produce any legal heirship certificate to show that she is the daughter of Munusamy poosari.

5. It is stated that the petitioner is the only daughter of deceased Munusamy Poosari and she was not able to furnish the legal heirship certificate due to lapse of seven years from the date of filing the application to get the legal heirship certificate.



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6. In such case, it is up to the petitioner to file a suit for declaration to declare her status as the daughter of the deceased Munusamy Poosari and produce the same before the authorities concerned for the purpose of considering herself to be included as one of the voter who can elect the trustees. However, the election for the trustees is said to have been completed for this term which is for two years. Hence, the third respondent shall reconsider the representation of the petitioner dated 26.12.2023 to include the petitioner's name at least for the next election if the petitioner produces the relevant documents either in the form of legal heirship certificate or in the form of decree from the appropriate Court. On producing the appropriate certificates, it is obligatory on the part of the third respondent to consider and pass appropriate orders.

7. With the above observations, this Writ Petition is disposed. No costs. Connected miscellaneous petitions are closed.

30.01.2024

Index: Yes / No
Speaking order / Non-speaking order
bkn



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To:

WEB COPY

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R.N.MANJULA ,J.

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