



WEB COPY



W.P.No.1860 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.1860 of 2024 and
W.M.P.No.1933 of 2024

T.Periyannan

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Campus of :- Arulmighu Kottai Mariamman Temple,
Salem 636 001.

2.The Assistant Commissioner,
Hindu Religious & Charitable
Endowments Department,
Campus of :- Arulmighu Kottai Mariamman Temple,
Salem 636 001.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the respondents from appointing any Trustees to the petitioner's Temples namely Arulmighu Chinna Mariamman Temple, Arulmighu Periya Mariamman Temple and Arulmighu Rettai Vinayagar Thirukoil, Chennagiri Village, Salem Taluk, Salem District.



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For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.K.Karthikeyan, GA (HR & CE)

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to forbear the respondents from appointing any Trustees to the petitioner's Temples namely Arulmighu Chinna Mariamman Temple, Arulmighu Periya Mariamman Temple and Arulmighu Rettai Vinayagar Thirukoil, Chennagiri Village, Salem Taluk, Salem District.

2. Heard Mr.K.Selvaraj, learned counsel for the petitioner and Mr.K.Karthikeyan, learned Government Advocate (HR & CE) for the respondents.

3. The petitioner who claims himself as a hereditary trustee of Arulmighu Chinna Mariamman Temple, Arulmighu Periya Mariamman Temple and Arulmighu Rettai Vinayagar Thirukoil, Chennagiri Village, Salem Taluk, Salem District, has filed this Writ Petition by stating that the respondents shall not appoint any trustees to the temple. The attention



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of this Court was drawn to the Circular dated 15.03.2022, issued by the Commissioner, HR & CE to the Joint Commissioners and Assistant Commissioners that no trustee shall be appointed without giving notice to the existing administrators of the temple and the trust.

4. It is submitted by the learned counsel for the petitioner that the respondents are trying to appoint the trustees without issuing notice to him and it violates the above Circular.

5. The learned Government Advocate (HR & CE) for the respondents submitted that public notice has been given in respect of the appointment of the trustees and this petitioner is no way related to the management of the temple. Only after hearing the objections, if any, submitted by any person on public notice, three of the trustees have been appointed under Section 47 of the Act and two of them have been nominated and recommended to the Government for confirming their appointment as trustees. Therefore, the relief sought in this Writ Petition has become infructuous.



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6. The petitioner has filed this Writ Petition seeking a blanket order that the respondents shall not appoint the trustees. However, during the course of the arguments, the learned counsel for the petitioner submitted that he would restrict his relief to forebear the respondents from appointing the trustees without giving notice as contemplated in the Circular dated 15.03.2022 in Na.Ka.No.12565/2022/E1.

7. Even though it is claimed by the petitioner that the trustees have not been appointed so far and he is eligible to be put on notice, it is learnt from the submission of the learned Government Advocate (HR & CE) that the trustees have already been appointed and recommendation has been made to the Government. Hence, it is open to the petitioner, if he has locus standi, to challenge the appointment of the trustees in the proper manner known to law. The petitioner has given a representation to respondents in this regard. Hence, the respondents shall consider the same and pass orders.



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8. With the above observations, this Writ Petition is disposed and the respondents are directed to consider the representation of the petitioner dated 19.01.2024 and pass order either to dispose it or to forward it to the appellate authority by considering the same as an appeal. No costs. Consequently, connected miscellaneous petition is closed.

31.01.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

To

1.The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Campus of :- Arulmighu Kottai Mariamman Temple,
Salem 636 001.

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Endowments Department,
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R.N.MANJULA, J.

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