



W.P. No. 3046 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

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

W.P. No. 3046 of 2024

and

W.M.P. No. 3322 of 2024

Sri Natarajar Thuluva Vellalar Samudyakudam,
No. 1A, Ezhuthukara Street,
Shevapet, Salem – 2
rep. herein by its President
R.K. Gopinathan, Hindu,
aged about 70 years,
Son of Sri. Krishna Chettiar,
No. 185, Appu Chetty Street,
Shevapet, Salem – 2.

... Petitioner

-VS-

1. The Joint Commissioner,
Hindu Religious & Charitable Endowments
Admn. Department, Salem.
2. The Assistant Commissioner,
Hindu Religious & Charitable
Admn. Endowments Department,
Salem.
3. The Fit Person,
Arulmighu Nataraja Bajanai Madam,
Ezhuthukkara Street,
Shevapet, Salem – 2.
4. C.Gopinath

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the Third Respondent dated 01.02.2024 in Ref. ITMS 7791, quash the same.

For Petitioner : Mr. T.S.Vijaya Raghavan
For Respondents : Mr. K.Karthikeyan,
Government Advocate (R1 to R3)

ORDER

Heard T.S.Vijaya Raghavan, Learned Counsel for the Petitioner and Mr. K.Karthikeyan, Learned Government Advocate appearing for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Second Respondent by Proceedings No. 6872/2020-39/2 dated 23.12.2020 had appointed a Fit person for Arulmighu Nataraja Bajanai Madam, Shevapet, Salem, (hereinafter referred to as the 'Madam' for short), and by another Proceedings in Se. Mu. Na. Ka. No.10725/2023/Aa2 dated 13.12.2023 has appointed the Fourth Respondent as the Hereditary Trustee of the Madam. The Fourth Respondent, in turn, by Proceedings in Ref. ITMS 7791 dated



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01.02.2024 had directed the President and Secretary of Sri Natarajar Thuluva Vellalar Samudayakudam, which is the Petitioner in this Writ Petition to hand over charge of the said Madam to the Fourth Respondent. The Petitioner has filed this Writ Petition challenging the said order raising the contention that it is not a 'Religious Institution' within the meaning of Section 6(18) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as the 'HR & CE Act' for short).

3. It has been brought to notice that after the filing of the Writ Petition on 08.02.2024, the Petitioner has on 12.02.2024 filed an application under Section 63(a) of the HR & CE Act before the First Respondent to declare that it is not a 'Religious Institution' and has been taken on his file as O.A. No. 2 of 2024 and listed on 03.04.2024 for hearing.

4. In view of the subsequent events, this Court without expressing any view on the merits of the controversy involved, passes the following order:

- (i) the First Respondent shall immediately examine the claim made by the Petitioner in O.A. No. 2 of 2024 including ascertaining as to whether the Petitioner would be entitled for the relief claimed;



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(ii) if it is found that any other details or supporting documents is necessary,

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the deficiencies in that regard shall be informed in writing to the

Petitioner 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 and all other persons concerned to explain their position in that regard;

(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 under written acknowledgment; and

(v) the report of such compliance shall be filed before the Registrar (Judicial) of the Court.

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

Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.05.2024.

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To

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1. The Joint Commissioner,
Hindu Religious & Charitable Endowments
Admn. Department, Salem.
2. The Assistant Commissioner,
Hindu Religious & Charitable
Admn. Endowments Department,
Salem.
3. The Fit Person,
Arulmighu Nataraja Bajanai Madam,
Ezhuthukkara Street,
Shevapet, Salem – 2.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

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