



W.P. No.19046 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2024

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.19046 of 2016

and

W.M.P. Nos.16596 of 2016 and 7758 of 2017

K.C. Raghu

.... Petitioner

Versus

1. The Commissioner,
Hindu Religious and Charitable
Endowment (Admn.) Department,
Chennai – 34.

2. Joint Commissioner,
Hindu Religious & Charitable Endowment
Department,
Coimbatore.

3. The Executive Officer,
A/m. Kandaieswarar Temple,
Kadaiyur Post,
Kangeyam Taluk,
Tiruppur District.

4. K. Balasubramanian *

* Impleaded vide order, dated 17.11.2021

in W.M.P. No.33759 of 2016

.....

Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue Writ of Certiorarified Mandamus calling for the records relating to



W.P. No.19046 of 2016

the impugned order, dated 22.04.2016 made in Proc. Na. Ka. No.3129/2015/L5 passed by the 1st respondent, quash the same and consequently forbearing the respondents from interfering with petitioner's right to take part in the administration of A/m. Kadaiyeeswarar Temple, Kadiyur, Kangayam Taluk, Tiruppur District as the Hereditary Trustee.

For Petitioner	: Ms. Hema Sampath Senior Counsel for Ms.N. Karpagalakshmi
For Respondents	: Mr.N.R.R. Arun Natarajan, Spl. Govt. Pleader (HR & CE) for R1 and R2 Mr. K. Ganesan for R3 Mr. M. Damodaran for R4

ORDER

When the matter is taken up for hearing, the learned Senior Counsel appearing for the petitioner submitted the gist of the case by stating that the petitioner was appointed as the Hereditary Trustee of Arulmighu Kandaleswarar Temple, vide order dated 01.08.2006. Also, she submitted that the 3rd respondent was appointed as Executive Officer to administer / supervise the properties of the said temple during the suspension period of the petitioner. Further, it is contended that though the tenure period of the 3rd respondent was completed, the 1st respondent, without considering the



W.P. No.19046 of 2016

directions of this Court issued in W.P. No.14654 of 2016 has passed an impugned order, dated 22.04.2016, thereby the period of the 3rd respondent was extended for further two more years w.e.f. 02.08.2015. Aggrieved over, the same, this writ petition has been filed. Learned Senior Counsel also submitted that the 3rd respondent still continuing the post. Hence, she prays for quashment of the impugned order, dated 22.04.2016 as well as issuance of appropriate directions in the above regard.

2. Mr.N.R.R. Arun Natarajan, learned Special Government Pleader (HR & CE) placed his arguments based on the counter affidavit filed by the 1st respondent. He submitted that the petitioner being the Hereditary Trustee of the said temple has not taken effective steps to remove the encroachments and thereby to safeguard the interest of the properties belonging to the said temple, the 3rd respondent was appointed to administer the said properties. Further, certain irregularities pointed out by the 1st and 2nd respondents were not rectified by the petitioner and thus the appointment of the 3rd respondent was made permanent by way of the order impugned herein and therefore, the same does not call for any interference by this Court. Also he submitted that pursuant to the guidelines issued by the 1st respondent, dated 02.02.2015, the petitioner as well as the 3rd respondent are discharging their powers and duties properly.



W.P. No.19046 of 2016

Hence, no further adjudication is required in this matter and the same may be recorded.

3. Learned counsel appearing for the 3rd respondent submitted that following the guidelines issued by the 1st respondent, the petitioner and the 3rd respondent performed Kumbhabhishekam festival in the said temple and the same was also done in a proper way. He submitted that in view of the subsequent developments taken place, the matter may be closed.

4. The aforesaid submission made by the learned counsel for the 3rd respondent was not disputed by the learned Senior counsel for the petitioner.

5. Recording the aforesaid submissions made by learned counsel on either side, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are also closed.

02.09.2024

Index : Yes / No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2



WEB COPY



W.P. No.19046 of 2016

M.DHANDAPANI, J.

vsi2

To

1. The Commissioner,
Hindu Religious and Charitable
Endowment (Admn.) Department,
Chennai – 34.

2. Joint Commissioner,
Hindu Religious & Charitable Endowment
Department,
Coimbatore.

3. The Executive Officer,
A/m. Kandaieswarar Temple,
Kadaiyur Post,
Kangeyam Taluk,
Tiruppur District.

W.P. No.19046 of 2016

02.09.2024