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W.P.No.5164 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

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THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

**W.P.No.5164 of 2024 and
W.M.P.Nos.5672 & 5674 of 2024**

K.V.K.Nagaraj

... Petitioner

Versus

- 1.The Commissioner,
HR & CE Department,
Nungambakkam,
Chennai -34.
- 2.The Joint Commissioner,
HR & CE Department, Perundurai Road,
Erode, Erode District.
- 3.The Assistant Commissioner,
HR & CE Department, Erode,
Erode District.
- 4.The Executive Officer,
HR & CE Department,
Anjaneyar Temple,
Erode Municipal Park,
Erode.
- 5.A.Anandan
- 6.Tmt.K.Vijayalakshmi
- 7.P.Mani

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India



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praying to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the third respondent in his proceedings Na.Ka.No.5418/2023/A3, dated 12.02.2024 and quash the same and consequently, direct the respondents 2 to 4 to appoint the petitioner as one of the non-hereditary trustee for the Angala Parameswari Temple, Choolai, Erode - 4.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.K.Karthikeyan, GA for R1 to R4
Mr.A.V.Bharathi for R5 to R7

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the third respondent in his proceedings Na.Ka.No.5418/2023/A3, dated 12.02.2024 and quash the same and consequently, direct the respondents 2 to 4 to appoint the petitioner as one of the non-hereditary trustee for the Angala Parameswari Temple, Choolai, Erode-4.

2. The case of the petitioner is that the petitioner was administering the Arulmigu Angala Parameswariamman Temple, Choolai, Erode and conducting daily poojas for the past several years. The third respondent called for the applications on 08.11.2022 for appointment of the non-hereditary



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trustees for the said temple which was under the control of the fourth respondent. The petitioner and others have submitted applications for appointment of non-hereditary trustees. But the respondents 3 and 4 without considering the petitioner's application, have appointed the respondent 5 to 7 as non-hereditary trustees. Challenging the same, the petitioner is before this Court.

3. The learned counsel for the respondents 5 to 7 submitted that Arulmighu Angala Parameswariamman Temple, Choolai, Erode, is a public temple and for the past 50 years all the village people are worshipping in the said temple. Being a public temple, this temple is under the control of the Tamil Nadu Hindu Religious and Charitable Endowments Department (hereinafter referred to as HR & CE Department). Presently, this temple is being administered by the Board of Trustees, consisting of three non-hereditary trustees who were appointed by the HR & CE Department. The petitioner herein administered the temple without any lawful order from the authority in respect of hereditary trusteeship and failed to obtain any scheme order either from the High Court or from the HR & CE Department. Daily poojas and periodical festivals are being conducted in the temple with the financial help being rendered by the local public. The petitioner had failed to submit the



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accounts of receipt and expenditure to the HR & CE Department.

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4. The learned counsel for the respondents 5 to 7 also submitted that the Assistant Commissioner of HR & CE Department, Erode, had called for applications for the non-hereditary trustees *vide* his notification in R.C.No.3746/2022-12/A3 dated 08.11.2022. Accordingly, Poovendan, Selvaraj and Nagaraj had submitted their applications for appointment of non-hereditary trustees. Since Poovendan died on 24.03.2023, his name was deleted for consideration and the remaining two applications were placed before the District Level Committee for consideration. It is seen that under Section 49 of the HR & CE Act, the Assistant Commissioner has to appoint three non-hereditary trustees, out of them, one shall be a member of the Scheduled Castes or Scheduled Tribes and another one shall be a woman. Since only two persons have filed applications, to overcome this stalemate, again a notification was issued on 29.09.2023 calling for further applications for the non-hereditary trustees for the said temple. Since the respondents 5 to 7 had fulfilled the eligibility criteria, were appointed as the non-hereditary trustees for the said temple vide order dated 12.02.2024.

5. The learned counsel for the respondents 5 to 7 further submitted that the petitioner was in possession of the key of the temple and he did not



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return the same. After giving police complaint only he handed over the key.

Further, the petitioner without having any proper appointment, stating that he is the temple Dharmakartha and trying to make money. The same has been brought to the knowledge of the authorities by way of a petition signed by 135 local people from the said village. For all these reasons, the application of the petitioner for appointment of non-hereditary trustee was not considered and thereafter, from all the persons applied for the post, three persons were selected by the District Level Committee and appointment was made in a proper manner. Hence, the petitioner has no *locus standi* to file this Writ Petition.

6. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 4 and the learned counsel for the respondents 5 to 7 and perused the materials available on record.

7. It is seen that the petitioner has not rendered any accounts for the management of the temple for the past 10 years and he was not holding any appropriate orders passed by the HR & CE Department appointing him as a trustee of the said temple. That being the case, the selection made by the District Level Committee appointing the respondents 5 to 7 as non-hereditary trustees is valid and the petitioner has not made out any case for interference



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by this Court. It is seen that the conditions enumerated in the application form talks about only the qualification to apply and it does not state any condition for rejection made by the authorities and reasons to be stated for such rejection and no such provision has been produced before this Court that reason has to be stated for non-selection. Hence, this Court does not find any merits in this petition and is liable to be dismissed.

8. Accordingly, this Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petitions are closed.

9. As earlier ordered by this Court *vide* order dated 28.02.2024, the authorities have produced the relevant records showing the conduct of the enquiry and proceedings before the District Level Committee for the selection of the non-hereditary trustees. After perusal of the same by this Court, the records have been returned back to the authorities concerned.

Index :Yes/No

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Speaking / Non-speaking order

Neutral Citation : Yes/No

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To

1.The Commissioner,
HR & CE Department,
Nungambakkam,

<https://www.mhc.tn.gov.in/judis>



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Chennai -34.

2. The Joint Commissioner,
HR & CE Department, Perundurai Road,
Erode, Erode District.
3. The Assistant Commissioner,
HR & CE Department, Erode,
Erode District.
4. The Executive Officer,
HR & CE Department,
Anjaneyar Temple,
Erode Municipal Park,
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V.BHAVANI SUBBAROYAN, J.

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