



WEB COPY



W.P. No. 7197 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM

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

W.P. No. 7197 of 2024

A. Rajendran

... Petitioner

-VS-

1. The Commissioner,
Hindu Religious Charitable & Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.
2. The Joint Commissioner,
Hindu Religious Charitable & Endowments Department,
Arulmigu Kottaimari Amman Temple Campus,
Near Old Bus Stand, Salem – 636 001.
3. The Assistant Commissioner,
Hindu Religious Charitable & Endowments Department,
Arulmigu Kottaimari Amman Temple Campus,
Near Old Bus Stand, Salem 636 001.
4. The Fit Person,
A/m. Nagar Bala Subramaniam Temple,
Meicheri, Mettur Taluk,
Salem District 636 453.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to dispose the representation dated 13.01.2024 and by conducting De-Nova enquiry on merits within time frame fixed by this Court.



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For Petitioner : Mr. E.Ganesh
For Respondents : Mr. K.Karthikeyan,
Government Advocate

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ORDER

Heard Mr. E.Ganesh, Learned Counsel for the Petitioner and Mr. K.Karthikeyan, Learned Government Advocate, who takes notice for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the that the scheme under Section 64 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 has been framed by order dated 07.06.1977 by the Deputy Commissioner, Hindu Religious and Charitable Endowments Department, Coimbatore in O.A. No.225/1976 B1 for administration of the Temple of the Fourth Respondent, but the Non-Hereditary trustees have not been appointed from the year 2012 onwards.

3. The grievance ventilated by the Petitioner is that he had made a representation dated 13.01.2024 made by the Petitioner to appoint Non-Hereditary to the Temple of the Fourth Respondent, but it did not evoke any response, it has necessitated the filing of the Writ Petition.



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4. Learned Government Advocate appearing for the Respondents has filed a memo dated 22.03.2024 stating as follows:-

“ I humbly submit that the Kulalar Community people filed O.A. Under Section 64 of the Tamil Nadu HR & CE Act for Scheme. The said scheme was settled by the Deputy Commissioner, HR & CE, Coimbatore in O.A. No. 225 of 1976/B1 dated 07.06.1977. Thereafter in 2001, 10 others filed the modification of scheme under Section 64(5) before the jurisdictional Joint Commissioner, HR & CE, Salem in O.A.15 of 2011. Meanwhile the 3rd Respondent appointed the 4th Respondent as Fit Person to the 4th Respondent temple on 04.05.2012. Till date the 4th Respondent is administered the managing affairs of the temple.

I humbly submit that the said O.A.No.15 of 2001 was posted before the Joint Commissioner, HR & CE, Salem on 21.02.2024. The said O.A. Was posted on 27.03.2024.



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Further within three months the Joint Commissioner, HR &

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It is evident from the said facts that O.A. No.15 of 2001 is pending before the Joint Commissioner, Salem, who will have to follow the prescribed rules while taking further action on the said matter. As the hearing of the matter is posted on 27.03.2024, it shall be ensured that after following the prescribed procedure in consonance with the principles of natural justice, the same is decided on merits and in accordance with law.

5. Having regard to the aforesaid submissions made, this Court without expressing any view on the merits of the controversy involved in the matter, passes the following order:-

- (i) the Third Respondent shall immediately examine the representation dated 13.01.2024 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, 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;



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(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 by 31.08.2024 before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

22.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 18.04.2024.

gsa

To

1. The Commissioner,
Hindu Religious Charitable & Endowments Department,
No.119, Uthamar Gandhi Salai,



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Nungambakkam, Chennai 600 034.

2. The Joint Commissioner,
Hindu Religious Charitable & Endowments Department,
Arulmigu Kottaimari Amman Temple Campus,
Near Old Bus Stand, Salem – 636 001.

3. The Assistant Commissioner,
Hindu Religious Charitable & Endowments Department,
Arulmigu Kottaimari Amman Temple Campus,
Near Old Bus Stand, Salem 636 001.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. A.Rajendran,
S/o. Arunachalam,
12311A, Kunalar Street,
Meicheri,
Mettur Taluk,
Salem District – 636 453.



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P.D. AUDIKESAVALU, J.

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