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W.P.No.12412 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.12412 of 2024

and

W.M.P.Nos.13542 and 13543 of 2024

1. M. Saravanan

2. Smt.Kumudha

3. M. Anbazhagan

...Petitioners

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowments,
No.119, Nungambakkam High Road,
Chennai – 600 034.

2. The Joint Commissioner,
No.308, Arcot Road,
Kakithapattarai,
Hindu Religious and Charitable Endowments, Vellore – 12

3. The Assistant Commissioner,
Hindu Religious Charitable Endowments
No.308, Arcot Road,
Kakithapattarai, Vellore.

4. The Executive Officer,
Aulmigu Pillaiyar Koil and
Gengaiamman Thirukoil, Gudiyattam, Gudiyattam Taluk,
Vellore District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 1 to 4 from removing, suspending or dismissing us from non hereditary trustees of Sri Aulmigu Pillaiyar and Gengaiamman Thirukoil, Kallapdi Village, Gudiyattham Taluk, Vellore District as per their appointment order of 2nd respondent dated 11.04.2023 and pass orders.

For Petitioner : Mr. A. Gouthaman

For Respondents : Mr.N.R.R. Arun Natarajan
Standing Counsel

ORDER

In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

2. This writ petition is filed seeking to issue a Writ of Mandamus forbearing the respondents 1 to 4 from removing, suspending or dismissing us from non hereditary trustees of Sri Aulmigu Pillaiyar and Gengaiamman Thirukoil, Kallapdi Village, Gudiyattham Taluk, Vellore



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District as per their appointment order of 2nd respondent dated 11.04.2023

3. The facts of the case is that the second respondent herein by order dated 11.04.2023 had appointed the first petitioner was appointed as non-hereditary trustee and the second and third petitioners as non hereditary trustees of Arulmighu Pillaiyar and Gengaiamman Thirukoil, Kallapadi Village, Gudiyatham Taluk, Vellore District by the. From the date of appointment the petitioner and other trustees are discharging their duties for the improvement of temple without any personal gain. The administration of the above said temple is taken by the HR&CE Department and that the powers are vested with the second respondent as per Section 47(1) of the HR & CE Act. The grievance of the petitioners is that due to some political issue, the respondents 1 to 4 have decided to remove the petitioners from their respective posts as trustees and joint trustees before their tenure without any show cause notice or explanation in the absence of any complaint or allegation against them. Hence this petition.



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4. The learned counsel for the petitioner submitted that the second respondent on an earlier occasion with regard to appointment of trustees had allowed them to continue even after expiry of the tenure of the trustees and taken a decision that they can remain in their post till new trustees were appointed by the department i.e for a period of 10 years. He further submitted that the same benefit should be extended to the petitioners also by extending their tenure. Hence prays to allow this petition.

5. The learned standing counsel appearing for the respondents produced a letter of the second respondent in Na.Ka.No.2438/2024/Aa2 dated 03.05.2024 wherein, it has been stated that the department had received a complaint regarding appointment of the first petitioner and two others as the appointment was made against the rules and regulations. It has been further stated that only an enquiry is going on against the first petitioner and no action has been taken against them till date. He further submitted that the petitioners have filed the petition at the pre-matured stage. Therefore, the prayer sought for by the petitioners to extend their period cannot be considered as the Rules and Act does not permit to extend their tenure. Hence, prays to dismiss this petition.



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6. Considering the facts and circumstances of the case and on perusal of the letter of the second respondent in Na.Ka.No.2438/2024/Aa2 dated 03.05.2024 it is made clear that no action was taken by the respondents against the petitioners till date and only enquiry is going on against the petitioners. Hence, the petitioners are directed to co-operate with the enquiry to prove their stand.

7. Hence, this Court is not inclined to accept the submissions made by the learned counsel for the petitioners at this stage and there are no materials available before this Court to grant an order as prayed for by the petitioners. Hence, this petition deserves to be dismissed. Accordingly, this petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petitions are closed.

03.06.2024

Index:Yes/No
Speaking order/Non-speaking order
smn



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V.BHAVANI SUBBAROYAN,J.

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