



W.P.No.13515 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.No.13515 of 2020

and

WMP.Nos.16726, 16723 & 16724 of 2020

E.Nagalingam

... Petitioner

Vs.

1.The Commissioner
Hindu Religious and Charitable Endowment
Nungambakkam, Chennai.

2.The Joint Commissioner
Hindu Religious and Charitable Endowment
Coimbatore.

3.The Fit Person
A/m. Veeraswarasamy Temple
Office at
The Executive Officer
A/m.Koniamman Temple
Big Street, Coimbatore.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the tender notification published in Thina Thanthi, Coimbatore edition dated 09.09.2020 on the file of the third respondent and quash the same and further direct the respondents not to interfere with the management of A/m. Veereswara Swamy Temple, Kannadiyar Thottam, Othakal Mandapam, Coimbatore.

For Petitioner : Mr.K.S.Gowthaman
for Mr.S.C.Vishwanth

For Respondents : Mr.K.Karthikeyan for R1 & R2
Government Advocate
Mr.Rajesh Vivekanandan for R3

ORDER

This Writ Petition is filed challenging the tender notice issued by the third respondent calling for construction of Arulmighu Veereswara Swamy Temple, Kannadiyar Thottam, Othakal Mandapam, Coimbatore.

2. According to the petitioner, the above mentioned temple was private one and it was under the administration of his great grand father Ayyasami Ayyer in his capacity as hereditary trustee. After the death of



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petitioner's great grand father, the petitioner's grand father Swami Ayyer succeeded to the office of hereditary trusteeship and managed the affairs of the temple as hereditary trustee. The petitioner claims that he is the grand son of said Swami Ayyer through his son. It is further stated in the affidavit filed in support of this petition that the third respondent without any manner of right, attempted to interfere with the affairs of the temple and issued the impugned notice inviting tender for construction of Arulmighu Veereswara Swamy Temple. Aggrieved by the same, the petitioner has come before this Court.

3. When the Writ Petition came up for hearing on 05.11.2024 there was no representation for the petitioner and hence, the matter was adjourned to today with the direction to the Registry to list the matter under the caption “for dismissal”. Today the matter is listed under the caption “for dismissal”.

4. The learned counsel for the petitioner submitted that he is unable to get any instructions from his client. Therefore, he reported “no



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instruction” and he also made an endorsement to that effect in the Court bundle. The name of the petitioner is already printed in the cause-list and there is no representation for him. Therefore, this Court proceeds to dispose of the Writ Petition by perusing papers and after hearing the learned Government Advocate appearing for the respondent.

5. It is the specific case of the petitioner that he is the grand son of Swami Ayer, who is the original hereditary trustee of the temple and the respondents have no right to interfere in the administration of the temple.

6. A perusal of the counter affidavit filed by the respondents 2 & 3 and the typed set of papers would establish that the above said Swami Ayer, who was a hereditary trusteeship, was suspended from the hereditary trusteeship on serious charges. Later, the third respondent was appointed as fit person by the order of the second respondent dated 20.10.2008. The order appointing a fit person to the subject temple was challenged by the said Samy Iyyer in W.P.No.3366 of 2009 and the same was dismissed as withdrawn.



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7. It is also seen that the above said Swami Ayyer attempted to alienate the properties of the temple which necessitated the fit person to file a writ petition before this Court in W.P.No.21649 of 2009 and the fit person also obtained interim order of injunction restraining the Registering Authority from registration of documents pertains to properties of temple in question as per the order passed in M.P.No.1 of 2009 in W.P.No.21694 of 2009. It is also stated subsequently, the Writ Petition was disposed of with the direction to the Registering Authority to conduct enquiry.

8. The third respondent in his counter specifically denied the claim of petitioner that he is heir of Swamy Ayyer and claimed petitioner is not a descendant of the suspended hereditary trustee [i.e., Swami Ayyer]. A perusal of the legal heirs certificate of Swami Ayyer included in the typed set of papers would suggest that he died on 13.02.2010 leaving behind one son and daughter namely Selvan and Sumathy. The name of the petitioner's father Eswaran is not found place in the legal heirship certificate. Therefore, the claim of the petitioner that he is the grand son of original hereditary trustee Swami Ayyer is seriously disputed in the light of the legal heirship certificate



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produced in the typed set of papers. Though, petitioner produced death certificate and legal heir certificate of his father Easwaran, wherein he had been described as son of Swami Ayyer, in the legal heir certificate of Swami Ayyer, the name of petitioner's father was not found place. Hence, there is a serious doubt whether petitioner is a descendant of suspended hereditary trustee Swami Ayyer. This Court in Writ jurisdiction cannot decide the civil status of petitioner, whether he is descendant of suspended trustee or not, which is a disputed question of fact. The petitioner has not produced any other material to show he acted as hereditary trustee subsequent to suspension of Swami Ayyer. On the other hand materials produced by the third respondent would establish he was appointed as fit person in the year 2008 and has been acting as such. It is always open to the petitioner to establish his civil status before Civil Court and make a claim before official respondents based on Civil Court's decree declaring his status.

9. It is also seen from the documents filed in the typed set of papers that the third respondent was appointed as a fit person of the subject temple in the year 2008 itself. It is also seen that originally the temple was



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demolished due to land acquisition for the National Highways Authority and deities are in the custody of the third respondent. It is stated that the deities of the above temple are kept in Arulmighu Putridangkondeeswarar temple in the custody of fit person with the approval of the first respondent.

10. In these circumstances, the petitioner has not made out any case to question the impugned notification issued by the third respondent / fit person inviting the tender for construction of new complex for the temple to shift the deities to the newly constructed temple complex. I do not find anything to interfere with the notification issued by the third respondent.

11. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No
Internet : Yes / No
dna



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S.SOUNTHAR, J.

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