



WEB COPY



W.P.No.16569 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.16569 of 2020
and
W.M.P.Nos.20544 and 20545 of 2020

V.Dhanasekara Mudaliar

... Petitioner

VS.

1.The Assistant Commissioner,
Hindu Religious & Charitable Endowments,
A/m Manivannaperumal Thirukoil,
Kancheepuram Collector Office,
Kancheepuram,
Kancheepuram District.

2.The Executive Officer,
Hindu Religious & Charitable Endowments,
A/m Manivannaperumal Thirukoil,
Mannivakkam, Vandalur Taluk,
Chengalpet District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the notice dated 03.10.2020 passed by the 2nd respondent herein and quash the same and consequentially direct the 2nd respondent herein and



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quash the same and consequently direct the 2nd respondent to give opportunity of giving personnel herein of the petitioner on file and to dispose the same on merits.

For Petitioner : Mr.S.Janarthanan
For R1 : Mr.S.Ravichandran
Additional Government Pleader (HR & CE)
For R2 : M/s.A.Kailasam and Associates

ORDER

The Writ Petition is filed challenging the notice dated 03.10.2020 issued by the 2nd respondent directing the petitioner to handover the documents relating to the property situated in Survey Nos.190/2, 191, 192 and 193/2B in Mannivakkam, Vandalur Taluk, Chengalpet District.

2. It is the case of the petitioner that the above said property was settled in favour of A/m Manivannaperumal Thirukoil, Mannivakkam by petitioner's grandfather under two Settlement Deeds dated 11.11.1959 and 23.06.1967. Under the Settlement, the Settlor appointed his sons namely K.Varadharaja Mudaliar and K.Balarama Mudaliar as 'Dharmakartha' to look after the affairs and do certain services in the Temple out of the income



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derived from the said property. After passing away of petitioner's grandfather, the petitioner's father-Varadharaja Mudaliar performed the services as per the mandate of petitioner's grandfather in the Settlement Deeds. The petitioner's father died on 22.03.2014 and petitioner has been rendering services to the Temple out of the income derived from the property. Suddenly, the 2nd respondent issued notice claiming that the property belonged to the Temple and the petitioner shall handover the document relating to the property to enable him to go for public auction.

3. In the impugned notice, the petitioner was also informed that in case of failure of the petitioner to handover the documents, necessary action will be taken against the petitioner under Section 78 of the Hingu Religious and Charitable Endowments Act, 1959. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner submitted that as per the terms of Settlement Deeds executed by his grandfather dated 11.11.1959 and 23.06.1967, the petitioner has been in enjoyment of the property and he has been rendering service to the Temple as per the mandate



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in the Settlement Deeds and therefore, the impugned notice issued by the 2nd respondent is untenable in law.

5. The impugned communication of the 2nd respondent is only a show cause notice directing the petitioner to handover documents relating to the subject property and in case of petitioner's failure, he was informed that necessary action would be taken for his eviction under Section 78 of the Hingu Religious and Charitable Endowments Act, 1959. It is open to the petitioner to submit his explanation before the 2nd respondent along with supporting documents and accounts for rendering service to the Temple out of the income derived from the subject property. The petitioner is directed to submit his explanation along with supporting documents before the 2nd respondent, within a period of four weeks from the date of receipt of copy of this order. The 2nd respondent shall consider the explanation offered by the petitioner and pass final orders on its own merits and in accordance with law, within a further period of eight weeks from the date of submission of explanation by the petitioner.

6. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.



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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

To

The Assistant Commissioner,
Hindu Religious & Charitable Endowments,
A/m Manivannaperumal Thirukoil,
Kancheepuram Collector Office,
Kancheepuram,
Kancheepuram District.



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S.SOUNTHAR, J.

dm

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