



W.P.No.24754 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.24754 of 2018
and W.M.P.Nos.28777 and 28778 of 2018 and 2137 of 2019**

S.Krishnamoorthi

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai-600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Coimbatore-641 018,
Coimbatore District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Coimbatore-641 018,
Coimbatore District.



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4.The Inspector,
Hindu Religious and Charitable Endowment Department,
Pollachi-642 001,
Coimbatore District.

5.The Executive Officer,
Arulmigu Mariamman and Angalamman Kovil,
Pollachi,
Coimbatore District.

6.The Range Officer,
Pollachi Range,
O/o.Pollachi Range Officer,
Anaimalai,
Pollachi Taluk.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned order issued by the third respondent in Se.Mu.Na.Ka.No.1918/2015/A6 dated 14.08.2018 and the subsequent impugned proceedings issued by the fifth respondent No.Nil dated 07.09.2018 and quash the same.

For Petitioner : Mr.G.Sankaran
Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Mr.K.Karthikeyan
Government Advocate
(HR & CE)
for R1 to R4
Mr.R.Rajesh Vivekanthan



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for R5
Mr.P.Saravana Sowmiyan
for impleading petitioners
in W.M.P.No.2137 of 2019

ORDER

This Writ Petition has been filed challenging the impugned order issued by the third respondent in Se.Mu.Na.Ka.No.1918/2015/A6 dated 14.08.2018 and the subsequent impugned proceedings issued by the fifth respondent No.Nil dated 07.09.2018 and quash the same.

2. The learned counsel appearing for the petitioner submits that the petitioner is managing the administration of Arulmigu Nandagopala Swamy Thirukovil situated in Gopalaswamy Malai, Manjanaickanoor Village, Jallipet Panchayat, Pollachi Taluk, Coimbatore District and is doing poojas and other ceremonies over the years without any hindrance. While so, the fourth respondent, vide impugned order dated 14.08.2018, has appointed the fifth respondent as fit person for the aforesaid Temple, without issuing any notice to the Management of the Temple and subsequently, the fifth respondent, vide impugned order dated 07.09.2018, has called upon the



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Management of the Temple to produce all the records relating to movable and immovable properties of the Temple and bank account etc., within a period of 15 days, failing which, the fifth respondent would take charge as Fit Person of the Temple. Challenging the same, the present Writ Petition has been filed.

3. The learned counsel appearing for the third respondent submits that the petitioner and the four others filed O.A.No.15 of 2001 before the second respondent for declaring them as Hereditary Trustees of the Temple and it was dismissed for default on 30.08.2004 and again, they have filed O.A.No.5 of 2008 before the second respondent seeking same relief and it was dismissed on the ground that the applicants did not prove the case and they had been collecting money without maintaining proper account, against which, the petitioner did not prefer any appeal and the said order became final. Hence, the third respondent, vide impugned order dated 14.08.2018, has appointed the fifth respondent as Fit Person to the Temple and thereby, the fifth respondent has given notice dated 07.09.2018 to the petitioner to



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hand over the charge to him.

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4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (HR & CE) appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.

5. It appears that the Management of the aforesaid Temple was devolved on the petitioner by inheritance. Initially, O.A.No.15 of 2001 was filed by the petitioner and four others before the second respondent for declaring them as hereditary Trustees and it was dismissed for default on 30.08.2004. Again, the petitioner along with four others filed O.A.No.5 of 2008 seeking same relief and it was dismissed on the ground that they did not prove their case and they have been collecting money from the public, without maintaining proper account, on 23.02.2010 and thereafter, they have not preferred any appeal. Since the petitioner and his men did not properly maintain the accounts and not file the returns before the HR & CE Department, on the basis of the report filed by the fourth respondent,



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wherein, the fourth respondent has reported about the necessity for appointment of Fit Person, the third respondent has appointed the Fit Person vide impugned order dated 14.08.2018 under Section 49(1) of Tamil Nadu Hindu Religious and Charitable Endowments Act, 22 of 1959, for proper administration of the Temple and thereafter, the Fit Person, who is the fifth respondent herein, has called upon the petitioner to produce the records relating to the movable and immovable properties of the Temple and the bank account etc., vide impugned order dated 07.09.2018. This Court does not find any error in the impugned orders dated 14.08.2018 and 07.09.2018 passed by the third and fifth respondents. If at all the petitioner has any grievance against the impugned orders, he is at liberty to work out his remedy in the manner known to law.



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6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

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M.DHANDAPANI, J.

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