



W.A.No.2178 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.A.No.2178 of 2023

1.R.Chandran
2.D.Bheeman
3.B.Kakkamalla Gowder

.. Appellants

Vs

1.The Commissioner,
HR & CE Department,
Nungambakkam,
Chennai-600 034.

2.The Joint Commissioner,
HR & CE Department,
Dr. Balasundaram Road,
Coimbatore-18.

3.The Asst. Commissioner,
HR & CE Department,
Dr.Balasundaram Road,
Coimbatore-18.

4.The Executive Officer,
Sri Kadaithaiamman Temple,
Kil-kundha,
Kundha Bridge Post,
The Nilgiris-643 219.
5.The Thakkar,



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Sri Kadaithaiamman Temple,
Kil-kundha,
Kundha Bridge Post,
The Nilgiris-643 219.

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 24.3.2022 passed by the learned Single Judge in W.P.No.4839 of 2021.

For the Appellants : Mr.V.Raghavachari
Senior Counsel
for Mr.A.Sakthivel

For the Respondents : Mr.N.R.R.Arun Natarajan
Spl. G.P. 9HR & CE)
for respondents 1 to 3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.V.Raghavachari, learned Senior Counsel for Mr.A.Sakthivel, learned counsel for the appellants; and, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE) for respondents 1 to 3.

2. The dispute, it appears, is in narrow compass. The fifth respondent is appointed as Fit Person.



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3. The contention of learned Senior Counsel for the appellants is that the temple has to be managed by the Trustees appointed as per the scheme. However, the Fit Person is appointed to manage the temple, which is against the letter and spirit of the scheme.

4. Learned Special Government Pleader (HR & CE) submits that there was dispute amongst the members of the community. There were rival claims. As such, the Fit Person is appointed.

5. The temple is to be managed as per the scheme in vogue. Today, the scheme is in place.

6. It is not disputed by learned Special Government Pleader (HR & CE) that the Trustees are required to be appointed from Badaga community living in Kilkundah and seventeen other villages around Kunda along with the Executive Officer.

7. Learned Special Government Pleader (HR & CE) submits that, because of the Election Code of Conduct, some time would be required.



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8. The HR & CE Department shall appoint the Trustees as per the scheme in force on or before 1st August, 2024. On appointment of the Trustees, the appointment of Fit Person shall axiomatically come to an end.

9. With these observations, the writ appeal stands disposed of. There shall be no order as to costs. Consequently, C.M.P.No.18627 of 2023 is closed.

(S.V.G., CJ.)

(J.S.N.P., J.)

05.04.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

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- 2.The Joint Commissioner,
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- 3.The Asst. Commissioner,
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THE HON'BLE CHIEF JUSTICE
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