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W.P.No.17355 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17355 of 2024

D.C. Singaram

...Petitioner

Vs

1. The Commissioner of Hindu Religious
and Charitable Endowment Department,
Nungambakkam, Chennai – 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department, Thiruvannamalai.

3. The Assistant commissioner,
Hindu Religious and Charitable
Endowment Department, Krishnagiri.

4. The Executive Officer,
Arulmigu Sri Ranganathaperumal Temple,
Devarmukkulam, Pudupettai,
Krishnagiri Taluk and District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider the application submitted on 18.04.2023 and the same to recognize as the non-hereditary trustee of Arulmigu Sri



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Ranganathaperumal Temple situated at Devarmukkulam, Krishnagiri Taluk and District within a reasonable period to be fixed by this Court.

For Petitioner : Mr.P.Rajavel
For Respondents :Mr.K.Karthikeyan,
Government Advocate

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed seeking a direction to the second respondent to consider the application of the petitioner dated 18.04.2023.

3. The facts of the case is that the petitioner is a resident of Devarmukkuam Village, Krishnagiri Taluk and District and one of the trustee of the Arulmigu Sri Ranganathaperumal Temple, Devarmukkuam Village. The petitioner is doing service for the temple. While so, the second respondent herein called for the application from the eligible persons to appoint non-hereditary trustee on 25.03.2023 in Notice



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no.577/2023/A3. Pursuant to that the petitioner submitted application on 18.04.2023 before the second respondent. The grievance of the petitioner is that the second respondent is trying to appoint some other person of political background. Hence, the petitioner sent a legal notice to the respondents on 11.03.2024 requesting to appoint non-hereditary trustee of the above temple, but the same was not considered. Hence, the petitioner has come forward with this petition to consider his application dated 18.04.2023 and pass orders.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the second respondent to consider the petitioner's application dated 18.04.2023 and pass orders.

5. The learned Special Government Pleader appearing for the respondents submits that they will consider the petitioner's application dated 18.04.2023 and pass orders in the manner known to law.

6. I have given anxious consideration to either side submissions



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and perused the materials available on record.

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7. On a perusal of records it is seen that the Division Bench of this Court in *Suo moto* No.574 of 2015 has specifically issued direction for appointment of trustees and the relevant portion of the Judgment is extracted hereunder:

“Trustee

(54) The HR&CE Department shall file a report before this Court within a period of eight(8) weeks listing out the number of temples without Trustees, the duration of such vacancy, the particulars of the persons appointed as Fit person and the steps taken by the Department to appoint trustees.

(55) If no hereditary trustees stake claim, then steps must be taken to appoint non-hereditary trustees. The non-hereditary trustees must be from the religious denomination, to which the temple belongs to, without the political background.



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(56) *Stringent rules on the conduct, character, interest and knowledge religious affairs as well as administrative abilities of the trustees , must be enacted to ensure that the right person is appointed to manage the religious affairs of the temples.*

(57) *Keeping in mind that the overall administration shall be with the HR&CE Department, the authorities shall supervise the affairs of the religious institutions ensuring that the HR&CE Act is strictly complying with by the trustees and taking necessary remedial steps for which they are paid an annual contribution as specified under Section 92.*

8. The petitioner is one of the trustee of the said temple and he has applied for appointment of the non-hereditary trustee of the said temple and his claim can be considered on the basis of the Judgment passed by this Court in *Suo moto* No.574 of 2015.



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9. Considering the facts and circumstances of the case and the above Judgment and the limited relief sought for by the petitioner, this Court, directs the second respondent to consider the petitioner's application dated 18.04.2023 and pass orders on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner as well as the concerned parties if any, within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

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



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To

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V.BHAVANI SUBBAROYAN,J.

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