



W.P. No. 33237 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 33237 of 2014

K.Rajaram

... Petitioner

-VS-

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Utthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai.

3.The Executive Officer,
Arulmighu Swayambu Saneeswara Bhagavan Thirukovil,
Kuchanur, Uthamapalayam Taluk,
Theni Distirct.

4.M.M.Thirumalaimuthu

5.M.Prabhakaran

6.M.Thirumalaimuthukumar

7.K.Sethuraman

8.K.Thirumalai Jayabalamuthu
Respondents

...



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order of the First Respondent in Na.Ka.No.65059/2010/A2 dated 02.12.2014 and quash the same as devoid of merits and consequently, remove the Respondents 4 to 8 from the office of the Trusteeship of the Arulmighu Swayambu Saneeswara Bhagavan Thirukovil, Kuchanur, Uthamapalayam Taluk, Theni District.

For Petitioner : Mr. M.Purushothaman

For Respondents : Mr. S.Ravichandran, (for R1 to R3)
Additional Government Pleader

Mr. K.Muthuramalingam (for R4 to R7)

Mr. R.Thiagarajan (for R8)

ORDER

Heard Mr. M.Purushothaman, Learned Counsel for the Petitioner, Mr.S.Ravichandran , Learned Additional Government Pleader appearing for the First to Third Respondents, Mr. K.Muthuramalingam, Learned Counsel appearing for the Fourth to Seventh Respondents and Mr. R.Thiagarajan, Learned Counsel for the Eighth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Fourth to Eighth Respondents along with one Muthusonai were the Hereditary Trustees of Arulmighu Swayambu Saneeswara Bhagavan Thirukovil, Kuchanur, Uthamapalayam Taluk, Theni District (hereinafter referred to as 'the Temple' for short). The First Respondent by Proceedings in Se.Mu.Na.Ka. No. 65059/2010/A2 dated 27.03.2011 had framed 21 charges against them for mismanagement of the Temple and had called upon them to submit their explanation within 15 days from the date of receipt of its copy and had placed them under temporary suspension in the exercise of powers under Section 56(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act (hereinafter referred to as 'the HR & CE Act' for short). During the pendency of the said proceedings, the said Muthusonai died and after it was completed, the First Respondent by Proceedings in Na.Ka. No. 65059/2010/A2 dated 02.12.2014 held that the charges against the Fourth to Eighth Respondents had been proved and the period of temporary suspension undergone by them till then was treated as sufficient punishment and they were directed to be reinstated in office as the Hereditary Trustees of the Temple.

3. The Petitioner claims to be belonging to a family from which the Hereditary Trustees of the Temple were to be selected, and has on 15.12.2014



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filed this Writ Petition challenging the aforesaid Proceedings in Na.Ka.

No. 65059/2010/A2 dated 02.12.2014 passed by the First Respondent insofar as it reinstates the Fourth to Eight Respondents in office as the Hereditary Trustees of the Temple. However, it has been brought to notice that after the filing of the Writ Petition, the Additional Chief Secretary, Tourism, Culture and Religious Endowments Department, Government of Tamil Nadu, Chennai by G.O. Ms. No. 75, Tourism, Culture and Religious Endowments (Ani3-1) Department dated 11.06.2019 in the exercise of powers of review under Section 114 of the HR & CE Act had set aside the impugned order and remitted the matter to the First Respondent for fresh consideration with certain directions.

4. In view of the subsequent events, the Writ Petition is disposed with the clarification that the Petitioner may pursue the further course of action before the First Respondent and depending upon its outcome, work out his remedies before the proper forum in the manner recognized by law. No costs.

28.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 05.06.2024.

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To

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P.D. AUDIKESAVALU, J.

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