



W.P.No.13101 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13101 of 2014

and

M.P.No.2 of 2014

- 1.Narmada Devi
- 2.Eswara Moorthy
- 3.Kalathi
- 4.Roop Kumar
- 5.Girija
- 6.Tripurasundari (Died)
- 7.Ramanathan (Died)
- 8.Gopinath (Died)
- 9.Arumugham
- 10.Manonmani
- 11.K.C.Senthilkumar
- 12.G.Vijayalakshmi
- 13.R.Parvathi
- 14.S.Shobana
- 15.R.Sivakumar
- 16.G.Krishnakumari
- 17.S.Yuvarani
- 18.G.Ramachandran

... Petitioners



W.P.No.13101 of 2014

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(*P11 and P12 are substituted as LRS of the deceased petitioner No.6 vide order dated 10.09.2024 made in W.M.P.No.28759 of 2024 in W.P.No.13101 of 2014.

P13 to P15 are substituted as LRs of the deceased petitioner No.7, as per the order dated 10.09.2024 made in W.M.P.No.28761 of 2024 in W.P.No.13101 of 2014.

P16 to P18 are substituted as LRs of the deceased petitioner No.8 vide order dated 10.09.2024 made in W.M.P.No.28762 of 2024 in W.P.No.13101 of 2014*)

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments (Admn) Department,
Nungambakkam High Road,
Nungambakkam, Chennai-600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments (Admn) Department,
Nungambakkam High Road,
Nungambakkam, Chennai-600 034.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments (Admn) Department,
Vellore.
4. The Fit Person/Executive Officer
of Arulmighu Kamala Vinayagar Temple,
Sholingur,
Arakkonam Taluk,
Vellore District.



W.P.No.13101 of 2014

WEB COPY

5.K.S.Dhamodhara Pillai

6.The Assistant Commissioner/Executive Officer,
Arulmighu Lakshmi Narasimhaswami Thirukovil,
Sholinghur, Arakonam Taluk, Vellore District.

7.J.Munusamy

8.Ravi

9.S.Madhavan

10.L.Narasimahan

11.A.S.Kumaran

12.G.Chakkarapani

13.M.Thoomanivannan

14.D.Sadagopan

15.V.Dhamodharan

16.A.Venkatesan

17.V.Jegan

18.Elumalai

19.Murugan

20.Lingeswaran



W.P.No.13101 of 2014

WEB COPY

21.M.Balaji

22.V.Arivazhagan

23.S.Manikannan

24.J.Shanmugam

... Respondents

*(*R6 was impleaded vide order dated 19.04.2017 made in M.P.No.3 of 2024 in W.P.No.13101 of 2014**

**R7 to R24 were impleaded as per the order dated 10.09.2024 made in W.M.P.No.9771 of 2019 in W.P.No.13101 of 2014*)*

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the impugned order passed by the third respondent in his proceedings in Na.Ka.No.5044/2009/B1 dated 21.12.2009 appointing the fourth respondent as Fit Person, which was confirmed by the first respondent by its order dated 26.02.2014 made in R.P.No.141 of 2013 (R.C.No.62680 of 2011) and quash the same.

For Petitioners : Mr.V.Raghavachari
Senior Counsel
for Mr.P.Krishnan

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader
(HR & CE) for R1 to R3
Mr.S.Surya for



W.P.No.13101 of 2014

M/s.A.S.Kailasam and Associates
for R6
Mr.B.Sundarapandiyan for R5
Mr.R.Prabakar for R7 to R24

ORDER

This Writ Petition has been filed challenging the impugned order passed by the third respondent vide proceedings in Na.Ka.No.5044/2009 dated 21.12.2009 appointing the fourth respondent as Fit Person, which was confirmed by the first respondent vide order dated 26.02.2014 made in R.P.No.141 of 2013 (R.C.No.62680 of 2011) dated 26.02.2014.

2. The learned counsel appearing for the petitioner submits that Sankaranpadi Chatram situated at Perumbulipakkam Village is not coming under Sections 6(18)(17), 19 and 20 of the Hindu Religious and Charitable Endowments Act and unless the said Chatram is notified under Section 3 of the Act, the third respondent has no power to appoint Fit Person to the Chatram under Section 49 of the said Act. While so, the third respondent has passed the impugned order dated 21.12.2009 appointing the Fit Person



W.P.No.13101 of 2014

to Arulmighu Lakshmi Narayanaperumal Temple, which was confirmed by the first respondent vide impugned order dated 26.02.2014. Challenging the same, the present writ petition has been filed.

3. The learned Senior Counsel appearing for the petitioner submits that for the very same issue, the petitioners have already filed O.A.No.2 of 2015 before the Regional Joint Commissioner, Hindu Religious and Charitable Endowment Department, Vellore and the Regional Joint Commissioner, vide order dated 25.05.2023, held that the property mentioned in item 18 of the Last Will dated 01.10.1932 of P.Vankatachalam Chettiar would not attract the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and the Water Pandal Charity is not a Religious Institution under Section 63(a) of the Hindu Religious and Charitable Endowments Act, against which, the fifth respondent has preferred appeals in A.P.No.23 of 2023/D2 and A.P.No.30 of 2023/D2 before the first respondent. Hence, this Court may dispose of this writ petition by observing that the present impugned order will be subject to the



W.P.No.13101 of 2014

WEB COPY

result of A.P.No.23 of 2023/D2 and A.P.No.30 of 2023/D2 and the interim order granted by this Court may be extended till the disposal of A.P.No.23 of 2023/D2 and A.P.No.30 of 2023/D2.

4. Heard the learned Senior Counsel appearing for the petitioners, the learned Special Government Pleader appearing for the respondents 1 to 3, the learned counsel appearing for the fifth respondent, the learned counsel appearing for the sixth respondent and the learned counsel appearing for the respondents 7 to 24.

5. In view of the limited request made by the learned Senior Counsel appearing for the petitioners, this Court, without going into the merits of the case, is inclined to dispose of these writ petitions on the following terms:

(i) the impugned orders dated 21.12.2009 and 26.02.2014 passed by the third and first respondents shall be subject to the result of A.P.No.23 of 2023/D2 and



W.P.No.13101 of 2014

A.P.No.30 of 2023/D2 pending on the file of the first respondent.

(ii) interim order granted by this Court on 02.06.2014 is extended till the disposal of A.P.No.23 of 2023/D2 and A.P.No.30 of 2023/D2 pending on the file of the first respondent.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

13.09.2024

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

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W.P.No.13101 of 2014

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WEB COPY

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W.P.No.13101 of 2014

M.DHANDAPANI,J.

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and
M.P.No.2 of 2014**

13.09.2024