



WEB COPY



W.P.No.34204 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.34204 of 2014

and W.M.P.No.26330 of 2014 & M.P.Nos.1 & 2 of 2014

P.N.K.Siva Raj
as the Defacto Manging Trustee of
A/M.Solleswarar Thirukkivil
Palladam Taluk
Thiruppur District

... Petitioner

Vs.

1.The Joint Commissioner
Hindu Religious and Charitable Endowment
(HR & CE Department)
Coimbatore Division

2.The Assistant Commissioner
Hindu Religious and Charitable Endowment
(HR & CE Department)
Thiruppur
Thiruppur District

3.The Fit person
A/m.Solleswara Swamy Thirukkivil
Palladam Taluk
Thiruppur District
also the Executive Officer of
A/m.thiru Muruganandhaswamy Thirukkivil
Thirumurugan Poondi, Avinashi Taluk
Thiruppur District.

... Respondents



W.P.No.34204 of 2014

WEB COPY

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd Respondent vide his proceedings in Se.Mu.Na.Ka.No.1071/2014/AA2 dated 10.04.2014 and the impugned order passed by the 3rd Respondent dated 26.11.2014 and quash the same and consequently direct the Respondents herein not to interfere with the peaceful possession and management of affairs of the A/m.Soleeswarar Thirukkivil, Putharichal, Palladam Taluk.

For Petitioner : Mr.IAbar Md.Abdulla
for Mr.V.P.Karthikeyan

For Respondents : Mr.K.Karthikeyan (for R1 & R2)
Government Advocate (HR &)CE)

Ms.G.Sumitra (for R3)

ORDER

This Writ Petition has been filed seeking to quash the the impugned order passed by the 2nd Respondent vide his proceedings in Se.Mu.Na.Ka.No.1071/2014/AA2 dated 10.04.2014 and the impugned order passed by the 3rd Respondent dated 26.11.2014 and consequently direct the Respondents herein not to interfere with the peaceful possession and management of affairs of the A/m.Soleeswarar Thirukkivil, Putharichal,



W.P.No.34204 of 2014

Palladam Taluk.

WEB COPY

2. It is the case of the petitioner that he is the hereditary trustee of Arulmigu Solleswara swamy temple. Initially, the petitioner's father obtained a trust deed which was registered on 15.03.2000 on the file of the SRO, Tiruppur. Such being the position, based on the order passed by the second respondent dated 26.11.2014, the third respondent was appointed as a Fit Person for the said temple and the third respondent asked the petitioner to hand over the charge of the temple. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that this Court, without going into the merits of the case, may permit the petitioner to file an application before the second respondent for appointment of trustees for offence under Section 47 of the HR & CE Act within the reasonable time as fixed by this Court.

4. In this regard, the learned Government Advocate for the respondents has not raised any objection.



W.P.No.34204 of 2014

WEB COPY

5. Heard, the learned counsel for the petitioner, the learned counsel appearing for the respondents and perused the materials available on record.

6. In view of the limited request sought for by the petitioner, this Court without interfering with the impugned order, directs the petitioner to file an appeal before the second respondent under Section 47 of the HR & CE Act for the appointment of hereditary trustees within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such application, the second respondent shall consider and pass orders after providing opportunity to the petitioner or other legal heirs/hereditary trustees within a period of four weeks thereafter.

7. The writ petition is disposed of with the above directions. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.09.2024

rli

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order



W.P.No.34204 of 2014

WEB COPY

rli

To

1.The Joint Commissioner
Hindu Religious and Charitable Endowment
(HR & CE Department)
Coimbatore Division

2.The Assistant Commissioner
Hindu Religious and Charitable Endowment
(HR & CE Department)
Thiruppur
Thiruppur District

3.The Fit person
A/m.Solleswara Swamy Thirukkivil
Palladam Taluk
Thiruppur District
also the Executive Officer of
A/m.thiru Muruganandhaswamy Thirukkivil
Thirumurugan Poondi
Avinashi Taluk
Thiruppur District.



WEB COPY



W.P.No.34204 of 2014

M.DHANDAPANI.J,

rli

W.P.No.34204 of 2014

Dated: 05.09.2024