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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.08.2024

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.24204 of 2014
and M.P.no.1 of 2014

L.Saravanan

... Petitioner

Vs.

1. The Commissioner,
HR & CE Board.

2. The Joint Commissioner,
HR & CE Department, Salem.

3. The Assistant Commissioner,
HR & CE Department, Namakkal.

4. Ramasamy

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent pertaining to the impugned order passed by him in Na.Ka.No.2889/2014 Aa2 dated 11.08.2014 and quash the same and further direct the respondents 1 to 3 to initiate appropriate action in accordance with the provisions of the HR & CE Act, 1959.



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For Petitioner : Mr.K.A.Vimal kumar

For Respondents : Ms.AL.Gandhimathi, SC

for M/s.V.Kumaravelan R4

Mr.K.Kathikeyan

Government Advocate (HR & CE)

RR1 to 3

ORDER

This Writ Petition has been filed seeking to quash the order passed by the second respondent in Na.Ka.No.2889/2014 Aa2, dated 11.08.2014 and further direct the respondents 1 to 3 to initiate appropriate action in accordance with the provisions of the HR & CE Act, 1959.

2. The case of the petitioner is that he is worshiper of Arulmighu Sozheeswarar Temple and Azhagurayar Temple and Sellandiamman Temple in Tiruchengode Taluk, Namakkal District which are governed by a scheme decree dated 02.04.1983 passed by the Deputy Commissioner of HR & CE Department, Coimbatore. In pursuance to the above scheme, the 4th respondent was appointed as a Trustee and his tenure had expired on 21.11.1994. The 4th respondent has filed a suit in O.S.No.528 of 1996 on the file of the District Munsif Court, Tiruchengode praying for the relief of



permanent injunction restraining the Executive Officer from appoint a fit person leaving out the 4th respondent and the same was decreed in his favour.

In the meanwhile, the petitioner and village persons made a representation to the second respondent to appoint a fit person alleging the mis-management of the 4th respondent. However, the second respondent without considering the fact, rejected the petitioner's representation and passed the impugned order. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the respondents 1 to 3 have categorically found with tangible evidence that the 4th respondent has mal-administered and swindled the temple of its idols, immovable and movable properties. Without considering the entire fact, the second respondent passed the impugned order which is illegal and the same is liable to be set aside.

4. The learned Government Advocate submitted that the petitioner has no locus standi, when he is not even a member of the Trustee. The 4th respondent has filed a suit praying for the relief of permanent injunction restraining the Executive Officer from appoint a fit person leaving out the 4th



respondent and obtained order in his favour. Without challenging the said order, filing the present writ petition is not maintainable.

5. Heard the learned counsel for the petitioner and the learned Government Advocate and perused the materials available on record.

6. Considering the fact that the 4th respondent has appointed as a Trustee for the above said temple and subsequently, his tenure had been expired. Immediately, the 4th respondent has filed a suit and obtained order in his favour. If the petitioner has any grievance with regard to appointment of a fit persons as a Trust, he has to challenge the order passed by the trial Court. Without do so, the petitioner has filed a petition before the second respondent as well as this Court is not sustainable one and the same is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.08.2024

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To

1. The Commissioner,
HR & CE Board.

2. The Joint Commissioner,
HR & CE Department, Salem.

3. The Assistant Commissioner,
HR & CE Department, Namakkal.



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M.DHANDAPANI,J.

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