



W.P.No. 19223 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.19223 of 2024

P. Senthil Nathan

.. Petitioner

Versus

The Joint Commissioner,
Hindu Religious & Charitable Endowments,
Chennai zone-II, Mylapore,
Chennai – 600 004

...Respondent

Prayer: This petition is filed under article 226 of the Constitution of India to issue a writ of Mandamus directing the respondent to recognize the petitioner as hereditary trustee of the above said Devasthanam namely Sri Vengeeswarar, Alagar Perumal and Nagathamman Koil Devasthanam, Vadapalani, Chennai and consequently directing the respondent herein to hand over all the administration charges of the above said Devasthanam to the petitioner herein under Section 54 of the Tamil Nadu Hindu Religious and Charitable Endowments Act in pursuance to my representation dated 01.03.2024 and pass orders.



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For Petitioner : Mr.R. Abdul Mubeen

For Respondents : Mr.K. Karthikeyan
Government Advocate

ORDER

This petition is filed to consider the representation of the petitioner dated 01.03.2024 and pass orders.

2.The learned Government Advocate takes notice for the respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The facts of the case are that the father of the petitioner was the hereditary trustee of the temple namely Sri Vengeeswarar, Alagar Perumal and Nagathamman Koil Devasthanam, Vadapalani, Chennai. The grievance of the petitioner is that the petitioner being the eldest son, claims that he was entitled to be the next hereditary trustee as per the provisions of Section 54(2) of HR&CE act, which was not done in this case. Hence the petitioner has given an application to the respondent on 01.03.2024 to appoint him as a hereditary trustee and the same is pending without any progress, which has given rise to this petition.



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4. The learned counsel appearing for the petitioner submitted that under Section 54 of the HR & CE Act, when a permanent vacancy occurs in the office of the hereditary trustee of a religious institution the next in line of succession shall be entitled to succeed to the office and there is no necessity for the next hereditary trustee to make an application for being appointed under the Act. Hence, prays to allow this petition.

5. The learned Government Advocate appearing for the respondents submitted that the petitioner has not filed any application to consider his claim of appointing him as a hereditary trustee and to that effect he has also produced a note issued by the Joint Commissioner. Due to which they were not able to proceed the case under Section 54(2) of the H.R and C.E Act. He further submitted that if the petitioner files an application they will consider the same and pass orders.

6. Heard both sides and perused the materials available on records.

7. On a perusal of records it is seen that this Court vide order dated 21.12.1989 in W.P.No.13291 of 1989 had already declared that the father of the petitioner is entitled to hold the post of hereditary trustee for



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the above temple. However, the learned Government Pleader has made an submission that the petitioner has not filed any application to consider his claim of appointing him as a hereditary trustee.

8. In view of the above facts of the case and the limited relief sought for by the petitioner, this Court, directs the petitioner to file an application before the respondent to consider his claim of appointing him as a hereditary trustee with all the relevant documents to establish his case within a period of two weeks from the date of receipt of a copy of this order. After receipt of the application filed by the petitioner the respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a application filed by the petitioner.

6. With the above said observations, this writ petition is disposed of. No order as to costs.

19.07.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn



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V.BHAVANI SUBBAROYAN, J.

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