



W.P.No.19627 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM:

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

W.P.No.19627 of 2024
and W.M.P.No.26821 of 2024

S.Sambathkumar Aachari

... Petitioner

Vs.

1. The Principal Secretary,
HR & CE Department,
Fort St. George,
Chennai-600 009.
2. The Commissioner,
HR & CE Department,
Uthamar Gandhi Salai,
Numgambakkam, Chennai-600 034.
3. The Joint Commissioner,
Zone-1, HR & CE Department,
Padi, Chennai-600 050.

... Respondents

Prayer: This Writ petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus to calling for the records passed in the rejection order in Na.Ka.No.8342 of 2023 A1,



W.P.No.19627 of 2024

dated 11.06.2024 by the second respondent and quash the same and direct the second respondent to appoint petitioner as trustee in accordance to scheme formulated in C.S.NO.143 of 1945.

For Petitioner : M/s.D.Bhuvanasundaram

For Respondents : Mr.K.Karthikeyan
Government Advocate

ORDER

This Writ Petition is filed by the petitioner seeking for quashment of the rejection order in Na.Ka.No.8342 of 2023 A1, dated 11.06.2024 passed by the second respondent and for direction to the second respondent to appoint the petitioner as trustee in accordance to scheme formulated in C.S.No.143 of 1942.

2. The brief facts of the case are the petitioner was appointed as Hereditary trustee by Deputy Commissioner Hindu Religious & Charitable Endowment Chennai by virtue of proceeding in M.P.No.17 of 1991 on 10.05.1995. Prior to above appointment the second respondent has initiated proceeding to remove the hereditary trustee post in temple, and the proceeding was dismissed. Thereafter, a suit was filed by the respondent against the rejection of proceedings, and the suit was also



W.P.No.19627 of 2024

dismissed and Appeal was preferred in A.S.No.146 of 1990 and this Court allowed the appeal by holding that there is no mention of hereditary trustee in the scheme formulated by this Court in C.S.No.145 of 1935 and the petitioner was removed from the post of Hereditary Trustee 22.03.2014. The petitioner made a representation to the respondent on 07.07.2022 but the same was not considered, hence, the petitioner has preferred this Writ Petitioner.

3. The learned counsel for the petitioner would submit that though the petitioner have no matter of right to claim him as hereditary trustee, he wants to recognise him as a non-hereditary trustee, but the authority has rejected the claim of the petitioner which is not sustainable and during the pendency of the Writ Petition, the HR & CE Department has published notification in the Tamil Newspaper on 08.08.2024 inviting application for appointment of Non-Hereditary Trustee. Hence prays for suitable direction.

4. Heard Mr.D.Bhuvanasundaram, the learned counsel for the petitioner and Mr.K.Karthikeyan, Government Advocate appearing for the respondents and perused the records.



W.P.No.19627 of 2024

WEB COPY

4. Considering the facts and circumstances of the case and the submissions made by both side, this Court permit the petitioner to make appropriate application before the third respondent and the third respondent may consider the application of the petitioner and pass appropriate orders in the manner known to law on or before 06.09.2024.

5. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

30.08.2024

jai

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No



WEB COPY



W.P.No.19627 of 2024

To

1. The Principal Secretary,
HR & CE Department,
Fort St. George,
Chennai-600 009.
2. The Commissioner,
HR & CE Department,
Uthamar Gandhi Salai,
Numgambakkam, Chennai-600 034.
3. The Joint Commissioner,
Zone-1, HR & CE Department,
Padi, Chennai-600 050.



WEB COPY



W.P.No.19627 of 2024

M.DHANDAPANI J.
jai

W.P.No.19627 of 2024

30.08.2024