



W.P.No. 19340 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2024

CORAM:

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

W.P.No.19340 of 2024

R. Sornavalli

.. Petitioner

Versus

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Mayiladuthurai Town,
Mayiladuthurai District

2. The Inspector,
Hindu Religious and Charitable Endowment Department,
Mayiladuthurai (South)
Mayiladuthurai District.

3. The Executive Officer,
A/m Ramar adam @ Semponneswar Temple,
Mayiladuthurai Town, Koorainadu,
Mayiladuthurai District

...Respondents

Prayer: This petition is filed under article 226 of the Constitution of India to issue a writ of Mandamus directing the first Respondent to dispose of the petition filed by the petitioner u/s 54(2) of the H.R & C.E. Act within a stipulated time and pass orders.



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For Petitioner : Mr.B. Jawahar

For Respondents : Mr.K. Karthikeyan
Government Advocate

ORDER

This petition is filed to seeking to issue a writ of Mandamus directing the first Respondent to dispose of the petition filed by the petitioner u/s 54(2) of the H.R & C.E. Act within a stipulated time 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 A/M. Ramar Madam, Semponneswar Temple at Koorainadu, Mayiladuthuraai Town. After the demise of the petitioner's father, his mother namely Sarasu was appointed as the hereditary trustee of the temple by the order of the first



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respondent dated 16.06.2010. When this being the case, the first respondent vide order dated 25.09.2018 suspended the hereditary trustee and appointed a fit person to the temple. The grievance of the petitioner is that the second respondent ought to have passed order under section 54(2) of HR&CE act, which was not done in this case. Hence the petitioner has given an application to the first respondent on 26.11.2018 to appoint him as a hereditary trustee and the same is pending without any progress, which has given rise to this petition.

4. The learned counsel appearing for the petitioner submitted that the application of the petitioner is pending nearly for 6 years without any progress. He further submitted that the respondent neither completed the enquiry on the suspension of the hereditary trustee, nor appointed the person who is next in line of succession. Hence, prays to allow this petition.

5. The learned Government Advocate appearing for the respondents submitted that after passing the suspension order on 25.09.20218 the mother of the petitioner/Sarasu has been called upon for



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enquiry and she was not handed over the records and documents pertaining to the administration of the temple, due to which they were not able to proceed the case under Section 54(2) of the H.R and C.E Act and the fit person was appointed. He further submitted that if the said Sarasu come forward and produce all the documents and records relating to the administration of the temple they will proceed the case in the manner known to law.

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

7. On a perusal of records it is seen that the Sarasu who is a hereditary trustee of the said temple has not handed over the materials to the respondents to enable them to proceed the case. Hence, this Court directs the respondents to issue notice to the Sarasu to produce all the materials relating to the administration of the temple and if she fails to produce the materials, the respondents are at liberty to take action against the said Sarasu. The petitioner is directed to produce all the materials and other documents sought for by the petitioner to the respondents to establish that she is eligible for the post of hereditary trustee.



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8. Considering the facts and circumstances of the case and the and the limited relief sought for by the petitioner, this Court, directs the first respondent to consider the petitioner's application dated 26.11.2018 and pass orders on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner, within a period of sixteen weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

11.07.2024

Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

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To

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V.BHAVANI SUBBAROYAN, J.

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