



W.P.No.21133 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.21133 of 2024

Mr. B.S. Babu Mathiah

...Petitioner

Vs

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department
Coimbatore,
Dr. Balasundaram Road, Coimbatore - 18

2. The Deputy Commissioner/Executive Officer,
A/m. Bannari Mariamman Temple,
Bannari, Sathyamangalam Taluk,
Erode District – 638 401.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent herein to dispose petitioner's representation dated 14.03.2024 as to hand over the charge of the temple as per arrangement made in order of the Joint commissioner, H.R&C.E. Department, Erode Division Viz., order



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dated 10.03.2020 made in M.P.No.60/2018 and order dated 23.02.2023 made in M.P.No.67/2021 within a time frame and pass orders.

For Petitioner : Mr. E. Srikanth
For Respondents : Mr.K. Karthikeyan
Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the second respondent herein to dispose my representation dated 14.03.2024 as to hand over the charge of the temple as per arrangement made in order of the Joint commissioner, H.R&C.E. Department, Erode Division Viz., order dated 10.03.2020 made in M.P.No.60/2018 and order dated 23.02.2023 made in M.P.No.67/2021/A1 within a time frame and pass orders

2. Mr.K. Karthikeyan, 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.



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3. The case of the petitioner is that the petitioner is a devotee of the Bannari Mariamman Temple situated at Bannari Sathyamangalam Taluk, Erode District. As per the scheme of the Deputy Commissioner in O.a.No.42 of 1957 the subject temple should be administered by 6 hereditary trustees and 5 non-hereditary trustees. The Joint commissioner vide order dated 10.03.2020 in M.P.No.60 of 2018 declared the mother of the petitioner and one Mrs. Anusiya Devi as Hereditary Trustees of the said temple. Since two persons want to succeed one among the six trustees they shall operate in rotational basis and the authority concerned were directed to decide the tenure of each trustees. Thereafter, the petitioner filed an application in M.P.No.67/2021/A1 to declare the petitioner as hereditary Trustee in the place of Permanent vacancy and also enclosed the consent letter given by both the sisters in recording the succession of the petitioner. However, the second respondent has not permitted the petitioner to hold the office of hereditary trustee, due to which the petitioner gave a representation on 16.05.2023 to the second



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respondent regarding the said issue. Pursuant to which the second respondent has called the petitioner and the said Mrs. Anusiya Devi vide notice dated 17.05.2023 in Na.Ka.No.164 of 2023 to attend the meeting and the second respondent informed that they will make accommodation for the rotational system. However, there was no progress till date. Hence, the petitioner gave a representation to the second respondent on 14.03.2024 and the same was pending till date. Hence, this Petition.

4. The learned counsel for the petitioner submitted that the petitioner possess all the requisite qualifications and deserves the post of the hereditary and he has also produced all the documents required to establish his case. Hence prays this Court to issue a direction to consider the representation of the petitioner dated 14.03.2024 and pass orders.

5. The learned Government Advocate appearing for the respondents produced a letter dated 30.07.2024 in Na.Ka.No.164/2023/A1 wherein, it was stated that for one hereditary trustee post, two persons deserves the right to hold the said post and the same has to be decided after conducting an enquiry. It is also stated that



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notice was issued to both of them and sought time to conduct enquiry and decide the issue.

6. Considering the facts and circumstances of the case this Court, directs the second respondent to consider the claim of the petitioner after affording reasonable opportunity of hearing to the petitioner as well as the concerned parties based on the petitioner's representation dated 14.03.2024 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

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

31.07.2024

Index: Yes/No

Speaking order/Non-speaking order

smn

To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department
Trust Hospital road,
20-F, Chinnamuthu Street,



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Perundurai Road,Erode – 638 001.

2. The Deputy Commissioner/Executive Officer,
A/m. Bannari Mariamman Temple,
Bannari, Sathyamangalam Taluk,
Erode District – 638 401.

V.BHAVANI SUBBAROYAN,J.

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