



W.A.No.2139 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.2139 of 2023

G.S.Badri Narayanan

Vs.

.. Appellant

1. The Principal Secretary
Government of Tamil Nadu
Tourism, Culture and Religious
Endowments Department
Fort St. George
Chennai 600 009.

2. The Joint Commissioner
Hindu Religious and Charitable
Endowments Department
Vellore 12.

3. S.Sridharan
4. G.Usha Ravi
5. G.Mohanan
6. V.Suresh Babu
7. M.Nagan

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 09.06.2023 made in W.P.No.17146 of 2023.



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For the Appellant : Mr.S.Balasubramanian

For the Respondents : Mr.C.Kathiravan
Special Government Pleader
for Respondent-1

Mr.P.S.Raman
Advocate General
Assisted by
Mr.N.R.R.Arun Natarajan
Special Government Pleader
(HR & CE)
for Respondent-2

Mr.P.Harinath Babu
for Respondents 3 to 7

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.S.Balasubramanian, learned counsel for the petitioner, Mr.C.Kathiravan, learned Special Government Pleader for the first respondent, Mr.P.S.Raman, learned Advocate General, assisted by Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE) for the second respondent and Mr.P.K.Harinath Babu, learned counsel for the respondents 3 to 7.



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2. The appellant had filed a writ petition bearing No.17146 of 2023, thereby challenging the communication dated 16.05.2023 appointing the respondents 3 to 7 as non-hereditary trustees for Arulmighu Subramaniya Swami Temple, Tiruttani.

3. The learned Single Judge, on merits as well as on the ground of alternate remedy, dismissed the writ petition. Aggrieved thereby, the present appeal.

4. Learned counsel for the appellant submits that only 42 applications were received. The application of the third respondent was never received. The proceedings dated 16.12.2022 also refers the receipt of 42 applications. The selection process for selecting the non-hereditary trustees is erroneous.

5. According to learned counsel for the appellant, though the third respondent had not applied, he was made the President of



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trustees. The alternate remedy is not available to the appellant as he is not a trustee. The subsequent documents produced by the official respondents is to cover up the malpractice on their part.

6. Learned Advocate General submits that the entire records were produced before the learned Single Judge. The learned Single Judge went through the records and was convinced that 43 applications were received.

7. We have considered the submissions of both the parties and gone through the order and the documents placed on record.

8. The proceedings dated 16.12.2022 of the Office of the Joint Commissioner refers the receipt of 42 applications. The last date of receipt of application was 15.11.2021.

9. In the documents placed on record, there is also document dated 20.12.2022 suggesting 43 applications. The proceedings



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dated 19.12.2022 also refers receipt of 43 applications.

10. The learned Single Judge called for the records of the proceedings. The same were produced before him. In the order also, the learned Single Judge stated that he has gone through the records and he is convinced that 43 applications were received.

11. In view of the documents, it would not be possible to take a different view.

12. In the light of that, the writ appeal stands disposed of. There shall be no order as to costs. Consequently, C.M.P.No.18239 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

14.02.2024

Index : Yes/No

Neutral Citation : Yes/No

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