



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.5 of 2021
and WMP.Nos.3 & 5 of 2021

N.Natarajan

.... Petitioner

Vs.

1. The Commissioner
HR & CE Department,
No.119, Uthamar Gandhi Road,
Chennai.

2. The Executive Officer,
Arulmigu Azhagu Natchiyamman Temple
Karathaluvu Village,
Tiruppur District.

3. K.P.Rajendran
4. K.S.Sellapaandiyan
5. K.N,Shanmugasundaram
6. K.M.Alagirisamy
7. K.S.Subramanian

....Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari calling for the records pertaining to the impugned order passed by the first respondent in Nada.Ni.Mu.No.15968/2014/L5 dated 03.02.2016 and quash the same.



For Petitioners : Mr.D.R.Arunkumar
For Respondents : Mr.C.Prabakaran RR3 to 7
Mr.Rajesh Vivekananthan R2
Mr.S.Ravichandran, AGP R1

ORDER

This petition has been filed seeking to quash the impugned order passed by the first respondent in Nada.Ni.Mu.No.15968/2014/L5 dated 03.02.2016.

2. The case of the petitioner is that the petitioner is one of the non hereditary trustee of Arulmigu Azhagu Natchiyamman Temple. From the year 2012, the petitioner was prevented by the respondent even to discharge his duties. Without any notice, the first respondent passed the impugned order dated 03.02.2016 only to usurp the rights and belief over the ritual practices. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that this Court may permit the petitioner to act as non hereditary member and without going into the merits of the case, permit the petitioner to file an application



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before the Joint Commissioner, HR & CE Department, Tiruppur under Section 64 of the HR & CE Act for the selection of the non-hereditary trustee.

4. In this regard, the learned counsel for the respondents has not raised any objection.

5. Heard, the learned counsel for the petitioner, the learned counsel appearing for the respondents and perused the materials available on record.

6. In view of the limited request sought for by the petitioner, this Court without going into the merits of the case and without express any opinion on the merits of the case, grants liberty to the petitioner to file a petition before the Joint Commissioner, HR & CE, Tiruppur under Section 64 of the HR & CE Act for appointment of the Non hereditary trustee within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such petition, the Joint Commissioner shall decide the issue as per



the scheme decree/under Section 47 read with 64 of the HR & CE Act.

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7. The writ petition is disposed of with the above directions.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

23.08.2024

Index : Yes/No

Internet : Yes/No

Rli

To

1. The Commissioner
HR & CE Department,
No.119, Uthamar Gandhi Road,
Chennai.

2. The Executive Officer,
Arulmigu Azhagu Natchiyamman Temple
Karathaluvu Village,
Tiruppur District.

3. the Joint Commissioner,
HR & CE Department,
Tiruppur.



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M.DHANDAPANI, J.

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