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W.P.No.21733 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2024

CORAM:

THE HON'BLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.21733 of 2024

Sri Maruthi Bhaktha Samajam Trust,
Rep by its Secretary,
R.Prabakar

... Petitioner

Vs.

- 1.The Secretary,
Tourism, Culture & Religious Endowments Department,
Secretariat, Fort St. George, Chennai 600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai Division II,
130, Ramakrishna Madam Salai,
Mylapore, Chennai 600 004.
- 4.The Executive Officer,
Arulmigu Adhi Vyadhi Hara Baktha,
Anjenaya Swamy Temple,
Ram Nagar, Nanganallur,
Chennai 600 061.
- 5.The Executive Officer/Fit Person,
Arulmigu Adhi Vyadhi Hara Baktha,
Anjenaya Swamy Temple,
Ram Nagar, Nanganallur, Chennai 600 061.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to dispose of the representation dated 23.06.2024 within the time frame by appointing non-hereditary Trustees to A/m.Adhi Vyathi Hara Baktha Anjenaya Swamy Temple situated at Ram Nagar, Nanganallur, Chennai 600 064 as per the existing scheme order dated 25.09.2019 made in O.A.No.3/2018 passed by the third respondent.

For Petitioner : Mr.V.Srikanth

For Respondents : Mr.N.R.R.Arun Natarajan, Spl.G.P

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents 1 and 2 to dispose of the representation dated 23.06.2024 within the time frame by appointing non-hereditary Trustees to A/m.Adhi Vyathi Hara Baktha Anjenaya Swamy Temple situated at Ram Nagar, Nanganallur, Chennai 600 064 as per the existing scheme order dated 25.09.2019 made in O.A.No.3/2018 passed by the third respondent.

2. Heard both sides. With the consent of both sides, this Writ Petition is disposed of at the admission stage itself.

<https://www.mhc.tn.gov.in/judis> 3. The case of the petitioner is that the Sri Aadhi Vyathi Hara Bhakta



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Anjenaya Swamy Temple was incepted in the year 1992 and the administration of the temple and its affairs have been managed by the petitioner Trust and its members. In recognition of the petitioner's work, the Government of Tamil Nadu has exempted the temple from the various provisions of HR & CE Act, 1959. While this being so, the first respondent has passed an order revoking the said exemption *vide* G.O.Ms.No.55 dated 19.03.2013 and the Assistant Commissioner of HR & CE Department has been appointed as a Fit Person to the temple. Aggrieved over the same, the Trustees preferred a Writ Petition and the same was dismissed. Later, the Trustees have filed an application in O.A.No.3 of 2018 before the Joint Commissioner of HR & CE Department, to regularize the management of the temple within the provisions of HR & CE Department. An order was passed in the said Original Application on 25.09.2019 and a scheme was framed to appoint the non-hereditary trustees to the temple exclusively chosen among the members of the petitioner Trust. The above scheme was subsequently published in the Government Gazette.

4. Subsequent to the confirmation of the scheme, a notification was made to appoint non-hereditary trustees from and among the members of the above Trust. Accordingly, the non-hereditary trustees have been appointed



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vide order dated 24.02.2021 in G.O.No.37 passed by the first respondent.

The tenure of the said non-hereditary trustees was also concluded during March 2023. Therefore, the first respondent issued a notification calling for appointment of the non-hereditary trustees vide paper publication dated 21.04.2023. While matter stood thus, one P.S.Bharanidharan, one among the applicants, has filed O.A.No.1 of 2023 seeking modification in the Scheme of Administration and he also filed a Writ Petition in W.P.No.13815 of 2023 seeking to set aside the notification published in newspaper on 21.04.2023.

5. The said Writ Petition was disposed of on 22.06.2023 with a direction to expedite the appointment of trustee to the subject temple and also directed the third respondent to decide the Original Application within a fixed time frame. However, till date, the appropriate authority viz., learned Secretary, Tourism, Culture and Religious Endowments Department has not appointed the non-hereditary trustees to the temple as per the scheme. Therefore, the petitioner Trust has given a representation to the first and second respondents in this regard on 23.06.2024. But till date, no response was evoked from the said respondents. Therefore, the petitioner is before this Court.

6. The learned Special Government Pleader for the respondents



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submitted that the petitioner's representation will be considered and appropriate orders will be passed within a time frame as may be fixed by this Court.

7. In view of the above circumstances, this Writ Petition is disposed of and the respondents 1 and 2 are directed to dispose of the representation submitted by the petitioner on 23.06.2024, keeping in mind that equality should be served and pass appropriate orders on merits, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

30.07.2024

Index:Yes/No
Speaking / Non- speaking order
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V.BHAVANI SUBBAROYAN J.

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To

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