



WEB COPY

W.P.No.22206 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.22206 of 2024
and WMP.No.24180 of 2024

1.V.Duraisamy
2.S.Senthikumar
3.K.Jayachandran
4.V.Neelamegam
5.D.Saroja

... Petitioners

vs

The Commissioner
Hindu Religious and Charitable Endowments Department
No.121, Mahatma Gandhi Road,
Nungambakkam, Chennai -34.

2.The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Erode, Erode District.

3.The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Namakkal, Namakkal District.

4.The Inspector
Hindu Religious and Charitable Endowments Department
Senthamangalam,
Namakkal District.

...

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to directing the respondents to consider and pass order on the applications of the petitioners dated 17.05.2023 preferred in Na.Ka.No.939-87/2023/2023/A6 dated 18.04.2023 for the post of non-hereditary trustees of the Arulmigu Bagavathi Amman Temple situated in Devarayapuram Village, Senthamangalam Taluk, Namakkal District.

For Petitioners : Mr.V.Elangovan

For Respondents : Mr.N.R.RArun Natarajan, Spl.GP.

ORDER

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

2. The grievance of the petitioners is that the Arulmigu Bagavathi Amman Temple is a public temple situated at Devarayapuram at Namakkal District and comes under HR&CE department, trustee was appointed by the respondents to administrate the temple till 2009. One Jayaraman using his undue influence involved in temple administration and controlled the temple



and denied entry for the people belong to schedule caste community.

Thereafter, the one Ravichandran who is brother of Jayaraman took over the temple administration unlawfully by taking advantage of the innocence of the villagers and he was in possession of the jewels belonging to the temple for the past 20years. The said Jayaraman made an application to the respondents in OA.No.05 of 2000 to appoint him as the hereditary trustee of the temple and the same was dismissed for default on 04.10.2006. While so, the 3rd respondent issued notification in Na.Ka.No.939-87/2023/2023/A6 dated 18.04.2023 calling for application for the appointment of non-hereditary trustee for temple. The petitioners herein also made an application dated 17.05.2023 to the 3rd respondent for their appointment as trustees. The applications were forwarded to 4th respondent by the 3rd respondent in proceedings in A.Thi.Ka.939-86/2023/A6 date 25.05.2023 to conduct enquiry and submit a report. In the meanwhile, the said Ravichandran filed WP.No.18554/2023 challenging the notification in Na.Ka.No.939-87/2023/2023/A6 dated 18.04.2023, this Court by an order dated 26.06.2023 disposed of the writ petition filed by the petitioner therein. Till date the applications of the petitioners dated 17.05.2023 has not been considered. Hence, the present writ petition.



3. The learned Special Government Pleader for the respondents submitted that the said Jayaraman filed OS.No.05 of 2000 to appoint him as hereditary trustee is dismissed for default on 04.10.2006. Subsequent to the notification issued by the 3rd respondent in Na.Ka.No.939-87/2023/2023/A6 dated 18.04.2023, the Ravichandran filed WP.No.18554 of 2023 and the same was disposed of on 26.06.2023 with a direction to the petitioner to approach the authorities to consider the application if any made for the post of Hereditary trustee as a legatee of deceased Jayaraman. On instructions it is stated, as per the order of this Court, the said Ravichandran submitted an application for Hereditary Trustee, the same is pending till date, hence the applications of the petitioners are not considered.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the materials available on record.

5. It is seen from records, that one Jayaraman filed OS.No.05 of 2000 to appoint him as hereditary trustee is dismissed for default on 04.10.2006. The 3rd respondent issued notification in Na.Ka.No.939-87/2023/2023/A6 dated 18.04.2023. Challenging the said notification, Ravichandran filed



WP.No.18554 of 2023 and the same was disposed of on 26.06.2023 with a direction to the petitioner to approach the authorities to consider the application if any made for the post of Hereditary trustee as a legatee of deceased Jayaraman. Pursuant to the said order, the Ravichandran submitted his application before the Joint Commissioner, HR&CE, Erode for appointing him as Hereditary Trustee and the same is pending. It is seen from records that due to the pendency of the application filed by the petitioner before the Joint Commissioner, HR&CE, Erode for the post of Hereditary Trustee, the applications filed by the petitioners herein for the post of Non Hereditary Trustee is kept pending. The authorities have no impediment in passing the orders on the application of the petitioners as the post is for Non Hereditary trustees.

6. In such view of the matter, the 3rd respondent issued notification in Na.Ka.No.939-87/2023/2023/A6 dated 18.04.2023 for appointment of non-hereditary trustees and the petitioners have applied for the said post on 17.05.2023. The authorities are directed to consider the applications filed by the petitioners for the post of non-hereditary trustees on its own merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.



7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.08.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

The Commissioner

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