



W.P. No.21276 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Writ Petition No.21276 of 2017

and

W.M.P. Nos.22197 and 22198 of 2017

1. Sri Nithyananda Swami
Founder,
Nithyananda Dhyanapeetam
Bidadi,
Bangalore, Karnataka
and Madathipathi of
Sri. Somanatha Swami Temple & Mutt
Thiruvavarur.
 2. Madathipathi of Sri Arunachala Gnanadesikar Swami
Temple & Mutt
Vedaranyam
 3. Madathipathi of Sri. Po.Ka. Sathukal Madam,
Vedaranyam.
 4. Madathipathi of Sri Palsamy Mutt & Sri Sankara Swami Mutt
Thanjavur
Rep. By his power agent
Ma.Nithyagopikananda @ Umadevi G
D/o. Govindharaj,
Nagapattinam District
- .. Petitioners

Versus

1. The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai – 600 034.



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2. The Revenue Divisional Officer,
Thiruvavarur.

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3. Pechiannan
4. R. Chinnaiyan
5. K.V. Rajagopal

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari calling for entire records pertaining to proceedings of the respondent in Na.Ka. No.66372/2016/R1, dated 22.06.2017 quash the same.

For Petitioners

: Mr. Godson Swaminathan

For Respondents

: Mr.K. Karthikeyan

Govt. Advocate (HR & CE)

for R1 & R2

R3 to R5 -No appearance

ORDER

This writ petition has been filed to call for the records pertaining to the proceedings of the first respondent in Na.Ka. No.66372/2016/R1 dated 22.06.2017 quash the same.

2. It is stated that the 1st petitioner is a spiritual leader and has many number of followers. Petitioners 2 to 4-Mutt are represented by Power Agent. It is further stated that Sri Swami Athamanada, earlier Madathipathi, nominated the 1st petitioner for three Mutts viz., Sri Somanatha Swami Temple & Mutt at Thiruvavarur, Sri Arunachala Gnanadesikar Swami Temple & Mutt at Vedaranyam, Sri Po.Ka.Sathukal Madam at Vedaranyam through nomination deeds dated 15.04.2014 for effective administration and control of said Mutts.



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The nomination deeds, all dated 15.04.2014 were submitted to the concerned Sub-Registrar office for registration. Thereafter, due to some dispute, Athamananda Swami lodged false complaints against the 1st petitioner. Subsequently, the 1st petitioner filed a suit viz., O.S. No.90 of 2015 for declaration before the Principal Sub Court, Nagapattinam to declare him as Madathipathi of the said Mutts as well as for injunction restraining Athamananda Swami from interfering with the affairs of the mutt. The said Court also granted interim injunction in favour of the 1st petitioner. On the other hand, Athamananda preferred C.R.P. No.430 of 2016 before this Court and the same was also dismissed on 29.06.2017. In the interregnum, based on the complaint given by the private respondents, the 1st respondent passed the impugned order dated 22.06.2017, directing the Assistant Commissioner, Tiruvarur to appoint Executive Officer under Section 60 of the HR & CE Act to administer the properties of the said Mutts. Aggrieved by the impugned order, dated 22.06.2017 petitioners have filed this petition.

3. Learned counsel for the petitioners submitted that the official respondents have no role to play with the affairs of the “Mutt” as the 1st petitioner was duly nominated by the earlier Madathipathi to administer the properties of the four Mutts. He further submitted that without providing an



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opportunity of hearing to the petitioners, the impugned order was passed by the 1st respondent, which amounts to violation of principles of natural justice.

Also, he submitted that during the pendency of the suit viz., O.S. No.90 of 2015 filed by the 1st petitioner before the Principal Sub Court, Nagapattinam, interim injunction was granted against Atthamananda and two other persons and when that being the position, entertaining the complaint filed by the private persons and passing the impugned order against the 1st petitioner by appointing a fit person is unsustainable and non-est in law. Therefore, he prays for quashment of the impugned order, dated 22.06.2017 as well as for allowing of this writ petition.

4. Learned Government Advocate appearing for the respondents 1 and 2 submitted that as per Section 6(13) of the HR & Act all the Mutt properties will come under the purview of HR & CE Department. The contentions raised by the petitioner with regard to interference by the 1st respondent is legally not sustainable and it is liable to be rejected. Reiterating the averments in the counter affidavit, he submitted that the aforesaid Mutts own several properties and the properties were alienated illegally by some persons viz., Madathipathi and their power Agents for their personal gain. He placed his strong objections by drawing the attention of this Court to paragraph Nos.7 to 9 of the counter affidavit, wherein it is stated briefly about the registration, cancellation of



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documents as well nomination deeds. More particularly, he stated that the nomination deeds executed in favour of the 1st petitioner itself is under question, as the same was not registered by the registering authority, due to invalidation. He further submitted that a suit was earlier filed by Athamandha, who nominated the 1st petitioner as Madathipathi, but subsequently, it was withdrawn. Therefore, the private respondents have made representations levelling allegations against the 1st petitioner and to take proper steps to protect the properties of the said Mutts. Hence, the order passed by the 1st respondent is sustainable and interference of this Court in the aforesaid order is unwarranted. In view of the aforesaid submissions, he prays for dismissal of this writ petition.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate appearing for the official respondents. This Court also perused the impugned order.

6. On a bare perusal of records, it is seen that the nomination in favour of the 1st petitioner is invalid due to cancellation of power vested to earlier Madathipathi and therefore, subsequent delegations/ Power of Attorney granted is also questionable. Further, the whereabouts of the 1st petitioner is now not



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known and therefore, the powers vested by him to his representative is doubtful. It is crystal clear that after elaborate enquiry was conducted by the 1st respondent before passing the order, dated 22.06.2017, which is impugned herein. Therefore, the question of violation of principles of natural justice will not arise. In the given facts and circumstances of the case, this Court is of the view that no interference is warranted with the order, impugned in this writ petition.

7. For the reasons aforesaid, this writ petition is devoid of merits and, accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To
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Endowment Board,
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Chennai – 600 034.

2. The Revenue Divisional Officer,
Thiruvavarur.



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M.DHANDAPANI, J.

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