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W.P.No.29997 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.29997 of 2024
and
W.M.P.No.32699 of 2024

P.Perumal

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai – 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Salem.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Salem.
- 4.The Executive Officer,
Arulmigu Kariyaperumal Thirukovil,
Amarakundi,
Tharamangalam Village,
Omalur Taluk,
Salem District.
- 5.The Inspector of Police,
Tharamangalam Station,



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Omalur Taluk,
Salem District.

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from interfering with the management and administration of the Arulmigu Kariyaperumal Thirukovil, Amarakundi, Tharamangalam, Omalur Taluk, Salem District pending disposal of the application under section 63 of HR & CE Act in O.A.No.11 of 2023 on the file of the 2nd respondent and further direct the 2nd respondent to dispose of the O.A.No.11 of 2023 expeditiously.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.K.Karthikeyan
Government Advocate [R1 to R4]
Mr.L.Baskaran
Government Advocate (Crl.Side) [R5]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to forbear the respondents 1 to 4 from interfering with the management and administration of the Arulmigu Kariyaperumal Thirukovil, Amarakundi, Tharamangalam, Omalur Taluk, Salem District pending disposal of the application under section 63 of HR & CE Act in O.A.No.11 of 2023 on the file of the 2nd respondent and further, direct the 2nd respondent to dispose of the O.A.No.11 of 2023 expeditiously.



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2. Mr.K.Karthikeyan, learned Government Advocate, accepts notice on behalf of the respondents 1 to 4 and Mr.L.Baskaran, learned Government Advocate (Crl.Side), accepts notice on behalf of the 5th respondent. In view of the consent expressed by the learned counsel appearing for the parties, this petition is taken up for final disposal.

3. The case of the petitioner is that, the forefathers and ancestors of the petitioner founded the temple viz., Arulmigu Kariyaperumal Thirukovil situated at Amarakundi, Tharamangalam Village, Omalur Taluk, Salem District. The petitioner and 5 others, who are holding hereditary trusteeship, however, Hindu Religious and Charitable Endowment Department have not recognized by them as hereditary trustees, thereby, they have filed an application in O.A.No.11 of 2023 on the file of the 2nd respondent u/s 63B of HR & CE Act (in short 'the Act') to recognize them as the Hereditary Trustees of the said temple. In the meantime, the 2nd respondent had appointed the 4th respondent as fit person and the 4th respondent had sent a notice directing the petitioner and 5 others to hand over the management and administration to the executive officer. Therefore, the petitioner had made a detailed representation to the respondents on 01.09.2024 stating that they are in management and administration of the temple for more than 30 years and the application for appointing and recognizing them as the



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hereditary trustee is pending in O.A.No.11 of 2023 on the file of the 2nd respondent. Even after the detailed representation, the respondents failed to consider the same and trying to forcefully take the possession of the administration and management of the temple. Therefore, the petitioner has filed the above writ petition before this court for appropriate orders.

4. Though very many grounds have been raised in the above writ petition, learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the 2nd respondent to dispose of the application in O.A.No.11 of 2023 pending before the 2nd respondent, within a time frame that may be fixed by this court.

5. Learned Government Advocate appearing for the respondents 1 to 4 submitted that, already Executive Officer has taken charge and he is dealing with the management and administration of the temple.

6. Considering the limited request made by the learned counsel for the petitioner, this court, without going into the merits of the case, directs the 2nd respondent to dispose of the application filed by the petitioner and 5 others u/s 63B of the Act, pending before the 2nd respondent, after providing an



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opportunity of personal hearing to the petitioner and 5 others as well as the aggrieved persons, if any, within a period of six (6) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

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M.DHANDAPANI, J.

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5.The Inspector of Police,
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