



W.P. No.29644 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 03.10.2024

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.29644 of 2024

and

W.M.P. Nos.32298 and 32296 of 2024

K. Maruthasalam

.. Petitioner

Versus

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.119, Nungambakkam,
Chennai – 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Coimbatore Division,
Dr. Balasundaram Road,
Coimbatore.

3. The Assistant Commissioner,
Office of the Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Coimbatore Division,
Dr. Balasundaram Road,
Coimbatore.



W.P. No.29644 of 2024

4. The Fit Person,
A/m. Veerabhadrasamy and Thoddammal Temple,
Poochiyur,
N.S.N. Palayam,
Coimbatore Taluk and District,
Also Executive Officer,
A/m. Hanumantharayswamy Temple,
Idukampalayam,
Coimbatore

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the entire records pertaining to the Order, dated 16.09.2024 of the 3rd respondent made in Se. Mu.Na.Ka.No.1918/2015/A6 and Notice dated 20.09.2024 of the 4th respondent and quash the same and direct the respondents to initiate proceedings to appoint non-hereditary Trustee to A/m. Veerabhadrasamy and Dhottammal Temple, situated at Poochiyur, N.S.N. Palayam Post, Coimbatore North Taluk and Coimbatore District as per the scheme order, dated 12.07.2004 made in R.C.O.A. No.29/96.

For Petitioner	: Mr. V. Srikanth
For Respondents	: Mr. N.R.R. Arun Natarajan Spl. Govt. Pleader (HR & CE) for RR1 to 3

ORDER

Mr. N.R.R. Arun Natarajan, learned Special Govt. Pleader (HR & CE) accepts notice on behalf of the respondents 1 to 3.

By consent of counsel for both sides, this writ petition is taken up for final hearing in the admission stage itself.



W.P. No.29644 of 2024

WEB COURT

2. This writ petition has been filed seeking for quashment of the Order, dated 16.09.2024 of the 3rd respondent made in Se. Mu.Na.Ka.No.1918/2015/A6 and Notice dated 20.09.2024 of the 4th respondent and direct the respondents to initiate proceedings to appoint non-hereditary Trustee to A/m. Veerabhadrasamy and Dhottammal Temple, situated at Poochiyur, N.S.N. Palayam Post, Coimbatore North Taluk and Coimbatore District as per the scheme order, dated 12.07.2004 made in R.C.O.A. No.29/96.

3. It is stated that the petitioner is the Trustee of Arulmighu Veerabhadrasamy Dhottammal Temple, situated at Poochiyur, Coimbatore Taluk and District. It is further stated that a Scheme was framed by the 1st respondent vide order in O.A. No.29/1996, dated 12.07.2024 and pursuant to the Scheme order, three Trustees have been appointed for the aforesaid temple. Subsequently, the 3rd respondent appointed a Fit person to the Temple, vide order, dated 22.06.2018. Aggrieved over the said order, dated 22.06.2018 one L. Devarajan preferred a Writ Petition viz., W.P. No.21961 of 2018 before this Court. Pursuant to interim directions issued by this Court in W.P. No.21961 of 2018 on 19.09.2018, a list of persons fit for appointment as non-hereditary trustees was furnished in accordance



W.P. No.29644 of 2024

with the scheme order and certain members were unanimously elected and appointed as non-hereditary trustees. The petitioner was one among the said trustees appointed. Later, the writ petition was disposed on 04.10.2021 considering the subsequent development i.e., appointment of non-hereditary trustees made. However, all of a sudden, the 3rd respondent vide impugned order dated 16.09.2024 appointed Fit person for the said Temple and consequently, the 4th respondent issued impugned notice, dated 20.09.2024. Aggrieved over, the impugned orders viz., order passed by the 3rd respondent, dated 16.09.2024 and consequential notice issued by the 4th respondent, dated 20.09.2024, this writ petition has been filed.

4. Learned counsel for the petitioner submitted without giving notice to the trustees of the temple, the impugned order, dated 16.09.2024 was passed by the third respondent, appointing the fourth respondent as a Fit person for the temple. Such an order passed by the 3rd respondent is in gross violation of principles of natural justice and it is required to be interfered with by this Court. As the consequential notice was issued by the 4th respondent based on the order dated 16.09.2024 of the third respondent, the same also is required to be quashed. Accordingly, he prays for allowing of this writ petition.



W.P. No.29644 of 2024

5. Learned Special Government Pleader (HR & CE) appearing for

respondents 1 to 3 submitted that the tenure of non-hereditary trustees of the aforesaid temple was over in the year 2022 itself. Therefore, the 3rd respondent has passed the order, dated 16.09.2024, which is impugned herein, by which a Fit person was appointed. Thus, the order, dated 16.09.2024 passed by the 3rd respondent and consequential notice, dated 20.09.2024 issued by the 4th respondent are legally sustainable and interference with regard to the above is unwarranted. At the same time, it is also stated that on receipt of list of persons, eligible for appointment as non-hereditary trustees of the aforesaid temple, the third respondent will pass appropriate orders. Hence, this Court may issue appropriate directions in the above regard.

6. Admittedly, there is no mismanagement in the properties of the temple. The administrative activities of the temple are going on well. It is seen that there are some communal clashes which can be sorted out. It is the contention of the petitioner that even though the period got expired till date, no restraint order was passed as against the petitioner, who is one of the Trustees of the said Temple. It is further to be noted that without appointing non-hereditary trustees, appointing fit person is bad in law, that too without issuing notice to the existing trustees or without conducting



W.P. No.29644 of 2024

enquiry. Therefore, there shall be a direction to the petitioner and other trustees in the aforesaid temple to forward the list of persons eligible for appointment of non-hereditary trustees to the 3rd respondent, within a period of two weeks from the date of receipt of a copy of this order. On such receipt, the 3rd respondent shall decide and appoint non-hereditary trustees for the said temple. The aforesaid exercise shall be completed, within a period of twelve weeks, thereafter. Till such time, the impugned order, dated 16.09.2024 passed by the 3rd respondent shall not be enforced.

7. In terms of the above, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

03.10.2024

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

To
1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.119, Nungambakkam,
Chennai – 600 034.



W.P. No.29644 of 2024

WEB COURT

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Coimbatore Division,
Dr. Balasundaram Road,
Coimbatore.

3. The Assistant Commissioner,
Office of the Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Coimbatore Division,
Dr. Balasundaram Road,
Coimbatore.

4. The Fit Person,
A/m. Veerabhadrasamy and Thoddammal Temple,
Poochiyur,
N.S.N. Palayam,
Coimbatore Taluk and District,
Also Executive Officer,
A/m. Hanumantharayswamy Temple,
Idukampalayam,
Coimbatore.



WEB COPY



W.P. No.29644 of 2024

M.DHANDAPANI, J.

vsi2

W.P. No.29644 of 2024

03.10.2024