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W.P. No. 34331 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 34331 of 2023
and
W.M.P. No. 34229 of 2023**

S.Ramarasu

... Petitioner

-VS-

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Trichirappalli.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Hindu Religious and Charitable Endowments Office,
RDO Campus,
Perambalur,
Perambalur District.
3. The Executive Officer,
A/m Abaradha Ratchagar Temple,
Seegoor Adudurai,
Kunnam Taluk,
Perambalur District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to permit the Petitioner to withdraw the deposit amount of Rs. 3,92,000/- deposited in Canara Bank, Agaram Seegoor branch in the name of Arulmigu Aiiyanar temple at Kezha Perambalur Village, Kunnam Taluk and utilize the same for Kumbabishegam expenses.



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For Petitioner : Mr. S.Ramachandran
For Respondents : Mr. N.R.R.Arun Natarajan,
Special Government Pleader

ORDER

Heard Mr. S.Ramachandran, Learned Counsel for the Petitioner and Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who claims to be a worshiper and Hereditary Trustee of Arulmigu Aiyanar Temple in Kezha Permabalur Village, Kunnam Taluk, Perambalur District (hereinafter referred to as 'the Temple' for short), has sought for a direction to the Respondents to permit the withdrawal of Rs. 3,92,000/- lying in deposit with Canara Bank, Agaram Seegoor Branch in the name of the Temple for utilizing it for expenses relating to Kumbabishegam of the Temple, in this Writ Petition.

3. It is borne from the materials placed on record that the Petitioner has filed an application in O.A. No. 12 of 2009 under Section 63(b) of the Tamil Nadu



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Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short) before the First Respondent for treating him as Hereditary Trustee of the Temple, and this Court by order dated 19.07.2011 in W.P. No. 16886 of 2011 has passed the following self-explanatory order:-

" 2. *The prayer in the writ petition is to quash the order dated 12.06.2008 and forbear the respondent from interfering with the administration and management of Ayyanar Temple of Keezha Perambalur, pursuant to the notice dated 07.07.2011, pending disposal of O.A. No. 12 of 2009 on the file of the Joint Commissioner, HR&CE Department, Tiruchirapalli.*

3. *The learned counsel for the petitioners submitted that even though such a prayer is made in this writ petition, the petitioners will be satisfied, if a direction is issued to the third respondent to pass orders in O.A. No. 12 of 2009, wherein the petitioners have prayed to declare the office of Trusteeship to Sri Ayyanar Temple at Keezha Perambalur, is a Hereditary one under Section 63(b) of the Hindu Religious and Charitable Endowments Act, 1959 within a given time.*



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4. *The said submission made by the learned counsel for the petitioners is recorded.*

5. *In the light of the said submission made by the learned counsel for the petitioners, the learned Additional Government Pleader is directed to takes notice, who in turn submits that the third respondent may be directed to consider the said application, within a reasonable time.*

6. *Recording the said submission, this writ petition is disposed of, giving direction to the third respondent to pass orders in O.A. No. 12 of 2009 on merits and in accordance with law, within a period of eight weeks, from the date of receipt of a copy of this order. In the order dated 07.07.2011, the petitioners were directed to hand over the charge of the temple by 15.07.2011. The learned counsel for the petitioners submits that even though the second respondent passed an order in the year 2008, till date the charge was not handed over, in view of the pendency of O.A. No. 12 of 2009. Now, a direction is issued to dispose of O.A. No. 12 of 2009, within a period of eight*



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weeks and considering the fact that the charge is not handed over till date, an order of status quo as on today is ordered to be maintained till the disposal of O.A. No. 12 of 2009. No costs. Consequently, connected miscellaneous petition is closed."

4. It is represented by Learned Special Government Pleader appearing for the Respondents that despite the aforesaid order passed by this Court, the matter could not be heard by the First Respondent on account of misplacement of files during transit, but they have been re-constructed now and the matter is posted for next hearing on 19.01.2024 before the First Respondent and that the Petitioner would have to await its outcome for the relief sought in this Writ Petition.

5. Having regard to the limited nature of relief sought in this Writ Petition, this Court without expressing any view on the merits of the controversy, passes the following order:-

- (i) the Petitioner is not precluded from making an interim application in O.A. No. 12 of 2009 before the First Respondent for permitting the withdrawal of Rs. 3,92,000/- Rs. 3,92,000/- lying in deposit with Canara Bank, Agaram Seegoor Branch in the name of the Temple for utilizing it



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for expenses relating to Kumbabishegam of the Temple;

- (ii) if any such interim application is made, the same shall be examined along with O.A. No. 12 of 2009 by the First Respondent;
- (iii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the persons concerned including the Petitioner requiring the same to be furnished within a time frame of not less than 10 days for the same;
- (iv) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (v) it shall be ensured by the First Respondent that there is atleast two effective hearings in O.A. No. 12 of 2009 every month showing progress of the case;
- (vi) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and
- (vii) the report of such compliance shall be filed before the Registrar (Judicial) of the Court.



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Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.03.2024.

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To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Trichirappalli.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Hindu Religious and Charitable Endowments Office,
RDO Campus,
Perambalur,
Perambalur District.
3. The Executive Officer,
A/m Abaradha Ratchagar Temple,
Seegoor Adudurai,
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Perambalur District.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

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