



W.A.No.53 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.53 of 2024

D.Jeevanathan

.. Appellant

Vs.

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Villupuram.
- 2.The Assistant Commissioner/Executive Officer,
Arulmighu Angalamman Thirukoil,
Melmalayanur,
Villupuram District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Villupuram District.
- 4.The Inspector,
Hindu Religious and Charitable Endowments Department,
Gingee, Villupuram District.
- 5.Vijaya Samundeeswari



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- 6.Santhanam,
Chairman Board of Trustees,
Arulmighu Angalamman Thirukoil,
Melmalaiyanur Village,
Gingee Taluk, Villupuram District.
- 7.Senthilkumar
Trustee,
Arulmighu Angalamman Thirukoil,
Melmalaiyanur Village,
Gingee Taluk, Villupuram District.
- 8.Devaraj,
Trustee,
Arulmighu Angalamman Thirukoil,
Melmalaiyanur Village,
Gingee Taluk, Villupuram District.
- 9.Ramalingam,
Trustee,
Arulmighu Angalamman Thirukoil,
Melmalaiyanur Village,
Gingee Taluk, Villupuram District.
- 10.Selvam,
Trustee,
Arulmighu Angalamman Thirukoil,
Melmalaiyanur Village,
Gingee Taluk, Villupuram District.
- 11.Saravanan,
Trustee,
Arulmighu Angalamman Thirukoil,
Melmalaiyanur Village,
Gingee Taluk, Villupuram District.
- 12.Vadivel,
Trustee,



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Arulmighu Angalamman Thirukoil,
Melmalaiyanur Village,
Gingee Taluk, Villupuram District.

- 13.D.Annamalai Poosari
- 14.P.Selvaraj Poosari
- 15.S.Chandran Poosari
- 16.D.Poongavanam
- 17.D.Raja Poosari
- 18.Sivakumar Poosari
- 19.R.Elumalai Poosari
- 20.Ramesh Poosari
- 21.Ganesan Poosari
- 22.Selvam Poosari
- 23.Mani Poosari
- 24.Sekar Poosari

.. Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 12.10.2023 passed in W.P.No.29371 of 2023.

For the Appellant : Mr.V.Raghavachari
Senior Counsel
for Mr.J.Chandran Sundar

For the Respondents : Mr.N.R.R.Arun Natarajan
Spl. G.P. (HR & CE)
for respondents 1 to 4

: Mr.V.Umashankar
for respondent No.5

JUDGMENT



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(Delivered by the Hon'ble Chief Justice)

We have heard Mr.V.Raghavachari, learned Senior Counsel for Mr.J.Chandran Sundar, learned counsel for the appellant; Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE) for respondents 1 to 4; and, Mr.C.Umashankar, learned counsel for respondent No.5.

2. Learned Senior Counsel for the appellant submits that the scheme was changed without hearing the appellant. None of the members of the community were heard while modifying the scheme. Under the modified scheme, the married women are being given the voting right. The same was not permitted under the original scheme. In case of Trust, the question of applicability of Article 14 of the Constitution of India or otherwise would not arise. Learned Senior Counsel further submits that, as there was a flagrant violation of principles of natural justice, the writ petition was filed challenging the order modifying the scheme. In such cases, this Court may exercise jurisdiction under Article 226 of the Constitution of India.



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3. The learned Single Judge has observed that even if the remedy of appeal is barred, that would not preclude the Commissioner to exercise the powers of *suo motu* revision conferred under Section 69(2) of the Hindu Religious and Charitable Endowment Act, 1959 (for short, "*the Act of 1959*") and, in view of that, disposed of the writ petition.

4. Naturally, the Commissioner is empowered to look into the grievances as raised by the appellant. The appellant may approach the Commissioner under Section 69(2) of the Act of 1959 within three days from today. In case the appellant approaches the Commissioner under Section 69(2) of the Act of 1959, the Commissioner shall consider the said grievance.

5. It is submitted that the elections are fixed on 24.1.2024. The appellant may file an application for interim orders as may be permissible under law before the Commissioner. The Commissioner, who would be exercising his power under Section 69(2) of the Act of 1959, shall pass orders upon the application filed by the appellant for interim orders, preferably on or before 22.1.2024. The parties to

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this present appeal can also appear before the Commissioner.

6. With these observations, the writ appeal is disposed of.
There shall be no order as to costs. Consequently, C.M.P.No.331 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)
09.01.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

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