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W.P.No.35090 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.35090 of 2024

S.Gokula Krishnan

... Petitioner

vs.

1.The Commissioner,
Office of the Hindu Religious Endowment Department,
Nungambakkam High Road,
Nungambakkam,
Chennai – 1

2.The Joint Commissioner,
Office of the Hindu Religious Endowment Department,
Salem – 1

3.The Assistant Commissioner,
Hindu Religious Endowment Department,
Dharmapuri District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to appoint the Executive Officer under Section 45(1) for the Arulmighu Ramaswamy Perumal Thiru Kovil at Konguvenbu Village, Hosur Taluk, Dharmapuri District within the time frame fixed by this Court in view of the petitioner's representation dated 18.10.2024.



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For Petitioner : Mr.S.Vasavi Sridevi

For Respondents : Mr.K.Karthikeyan
Government Advocate (HR and CE)

ORDER

The petitioner herein seeks a direction to the 1st respondent to appoint Executive Officer under Section 45(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 for Arulmighu Ramaswamy Perumal Thiru Kovil at Konguvenbu Village, Hosur Taluk, Dharmapuri District, within the time stipulated by this Court by considering petitioner's representation dated 18.10.2024.

2. It is the case of the petitioner that he is an Archaka of the above mentioned Temple and the Temple was originally under the control of the Hereditary Trustee-C.K.Ramamurthy. It is further stated that after death of original Hereditary Trustee, his son-R.Ragupathy had taken over the Management of the Temple and there were serious allegations of mismanagement against the said Ragupathi. Therefore, the jurisdictional Joint Commissioner appointed the Executive Officer of Arulmigu Sakthi Vinayagar Temple, Kaveripatinam as a fit person of the Temple to manage



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the affairs of the temple temporarily under Section 54(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. It is further stated that the Temple was renovated in the year 1995. Thereafter, there is no renovation and kumbabhishegam has not been performed for more than 28 years. It is also stated by the petitioner that the Hereditary Trustees violated various provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Therefore, a representation was submitted by the petitioner on 18.10.2024 before the respondents seeking appointment of Executive Officer for the above said temple.

3. The appointment of Executive Officer is within the power of the 1st respondent as per the procedure established under Section 45 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 read with relevant Statutory Rules. Unless the ingredients mentioned in Section 45 of the said Act and Rules framed thereunder are satisfied, the 1st respondent cannot appoint an Executive Officer. Therefore, this Court is not inclined to issue any positive direction to appoint Executive Officer to the Temple in question. In any event, in view of various allegations made by the petitioner with regard to the alleged mismanagement, this Court is inclined to direct



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the 3rd respondent to consider the representation of the petitioner dated 18.10.2024 and pass final orders on its own merits and in accordance with law, after affording sufficient opportunity to the petitioner and the descendents of the erstwhile Hereditary Trustee, within a period of twelve weeks from the date of receipt of copy of this order.

4. With the above direction, the Writ Petition stands disposed of. No costs.

12.12.2024

Index :Yes/No
Speaking order :Yes/No
Neutral Citation :Yes/No
dm



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To

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S.SOUNTHAR, J.

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