



W.P.No.19120 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.19120 of 2017

and

WMP.No.20629 of 2017

Arulmigu Sri Mannarsamy Samedha
Arulmigu Sri Pachaiaimman Alaya Nala Arakattalai,
Rep. by its President B.Kanakasabapathy Chettiar,
Avalurpettai, Melmalayanur Taluk,
Villupuram District – 604 201.

...Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment Board,
Chennai.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Villupuram.
3. The Thakkar,
Arulmighu Mannarsamy Samedha Pachaiaimman Thirukoil,
Avalurpettai, Melmalayanur Taluk,
Villupuram District – 604 201.

4. K.Panchanathan Chettiar

...Respondents

Petition filed under Article 226 of the Constitution of India to issue



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a Writ of Certiorari calling for the records pertaining to the order passed by the 2nd respondent in Nata.Na.Ka.En.3051/2017/AA1 dated 12.07.2017 by the 2nd respondent appointing the 3rd respondent as Thakkar to the Arulmighu Mannarsamy Samedha Pachaiaimman Thirukoil and quash the same.

For Petitioner : Mr.G.Veerapathiran

For Respondents : Mr.NRR.Arun Natarajan, Spl.GP, for R1-3
: No Appearance, for R4

ORDER

This Writ petition has been filed seeking quashment of the order of the 2nd respondent in Nata.Na.Ka.En.3051/2017/AA1 dated 12.07.2017, appointing the 3rd respondent as Thakkar to the Arulmighu Mannarsamy Samedha Pachaiaimman Thirukoil.

2. The case of the petitioner is that, the petitioner Arakattalai is a registered Arakattalai formed under a deed registered as Doc.No.1223 of 2006 for the development and management of the 100 years old A/m. Mannarsamy Samedha Pachaiaimman Thirukoil and the petitioner trust consists of eleven members including the 4th respondent, who was appointed as the treasurer of the petitioner trust. Subsequently, as there were some



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dispute in between the members of the petitioner trust, the 4th respondent was removed from the post of Treasurer and also removed from the petitioner trust, which resulted in filing of a suit in O.S.No.31 of 2017 on the file of the District Munsif Court, Gingee, seeking permanent injunction against the new Arakkattalai formed by the 4th respondent and to restrain them from interfering with the day to day activities of the petitioner's trust. Pending the same, in order to wreck vengeance, the 4th respondent made false complaints before the 2nd respondent and pursuant to the same, the 2nd respondent, without conducting any enquiry and without issuing any notice to the petitioner Arakkattalai, appointed the 3rd respondent as the Thakkar for administration of the A/m. Mannarsamy Samedha Pachaiaimman Thirukoil, vide impugned proceedings in Nata.Na.Ka.En.3051/2017/AA1 dated 12.07.2017. Challenging the same, the petitioner has come up with this Writ petition.

3. Heard learned counsel on either side and perused the material documents placed on record.

4. Though very many contentions have been raised by the learned



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counsel on either side at the time of arguments, the learned counsel for the petitioner restricted the prayer and sought permission of this Court to permit the President of the petitioner trust or his Legal Heirs or the other members of the petitioner trust to make appropriate application before the Joint Commissioner, Villupuram for appointment of Non-Hereditary trustee. Learned Special Government Pleader appearing on behalf of the official respondents have not expressed any serious objection for the limited request made by the learned counsel for the petitioner.

5. In view of the limited request made by the learned counsel for the petitioner, this Court without interfering with the order impugned in this Writ petition, grants liberty to the petitioner trust to make appropriate application before the Joint Commissioner, Villupuram for appointment of Non-Hereditary trustee under Section 64 of the HR & CE Act within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such application, the Joint Commissioner, Villupuram shall consider the same on merits and in accordance with law and pass appropriate orders within a period of four weeks thereafter, after affording an opportunity of personal hearing to the petitioner, the 4th respondent and other



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aggrieved persons, if any.

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6. With the above observations and directions, this Writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous petition is closed.

7. Registry is directed to mark a copy of this order to the Joint Commissioner, Villupuram.

03.09.2024

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NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

1. The Commissioner,
Hindu Religious and Charitable Endowment Board,
Chennai.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Villupuram.

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M.DHANDAPANI, J.

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3. The Thakkar,
Arulmighu Mannarsamy Samedha Pachaiaimman Thirukoil,
Avalurpettai, Melmalayanur Taluk,
Villupuram District – 604 201.
4. The Joint Commissioner,
Villupuram.

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