



W.P.No.35244 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated **04.12.2024**

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.35244 of 2024 and
WMP No.38149 of 2024

C.Narayanan

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.109, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thiruvannamalai, Thiruvannamalai District.
3. The Executive Officer,
A/m Renugaambal Thirukoil,
A.K.Padavedu, Polur Taluk,
Thiruvannamalai District.
4. The Inspector,
Hindu Religious and Charitable Endowment Department,
Kalasapakkam, Thiruvannamalai District. ... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India



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seeking for issuance of Writ of Certiorari, calling for the records of the third respondent in connection with the impugned notice dated 04.11.2024 issued by the third respondent to the petitioner and quash the same.

For Petitioner : Mr.N.Velmurugan

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

ORDER

This writ petition is filed challenging the notice issued by the third respondent, directing the petitioner to hand over certain documents to the third respondent, namely DCB Registrar, M.R. Registrar, Cash Book Registrar, Budget files, Documents relating to the collection of donations, Accounts relating to renovation of temple Cart, etc.

2. The petitioner herein was functioning as a Hereditary Trustee of Arulmigu Mahadevieeswarar Thirukoil, Vadamathimangalam, Polur Taluk, Thiruvannamalai District. When the renovation of the temple was planned by the petitioner, he had given consent letter to the



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Commissioner of HR & CE for appointment of Executive Officer to run the administration along with him. Accordingly, the third respondent was appointed as an Executive Officer of the temple on 04.03.2024 and he had taken charge. Subsequently, the second respondent initiated disciplinary proceedings against the petitioner and framed charges against him. Pending enquiry, he was suspended from the Trustyship and the fourth respondent was appointed as a Fit Person of the temple by order dated 24.05.2024. The petitioner said to have filed an appeal before the first respondent, challenging the order of the appointment of fit person. Now, the impugned notice was sent by the third respondent, directing the petitioner to hand over the above documents. Aggrieved by the same, the petitioner has come before this court.

3. The learned counsel for the petitioner submitted that the petitioner was suspended from the Hereditary Trustyship of the temple and the fourth respondent was appointed as a fit person and aggrieved by the same, the petitioner has filed an appeal, challenging the order of appointment of fit person before the first respondent. When the fit person is appointed to the said temple, the third respondent is not



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entitled to seek custody of the documents with the petitioner and only it is the fit person, who is entitled to seek custody of the documents. The learned counsel for the petitioner further submitted that the third respondent already assumed charge from the petitioner and hence, now, there is no question of seeking custody of the documents by the third respondent.

4. The learned Special Government Pleader appearing for the respondents by taking this Court to Rule 4(b)(i) of Conditions for Appointment of Executive Officers Rules 2015, submitted that the third respondent is entitled to the custody of documents mentioned in the impugned notice. Therefore, issuance of impugned notice cannot be faulted by the petitioner.

5. At this juncture, it is useful to extract Rule 4(b)(i) of Conditions for Appointment of Executive Officers Rules 2015, which reads as follows:

4. The Executive Officer so appointed under Rule 3 shall perform his duties subject to the following conditions, namely:-



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(a) He shall, function along with the trustee;

(b) *He shall, subject to such restrictions as may be imposed by the Commissioner and the Government-*

(i) be responsible for the proper maintenance and custody of all the records, accounts, and other documents and of all the jewels, valuables, money, funds and other properties of the religious institution:

6. A reading of the above Rule makes it clear that the Executive Officer appointed to the administration is responsible for proper maintenance and custody of the records and other documents. Therefore, the third respondent by issuing the impugned notice, made a request to the erstwhile Hereditary Trustee, namely the petitioner to give custody of the documents as mentioned in the impugned notice. When the third respondent is a person responsible for maintenance of the records of the temple, he is entitled to seek custody of the same from the petitioner. Therefore, there is no infirmity in the impugned notice issued by the third respondent seeking custody of the documents of the temple, mentioned therein.

7. Accordingly, this writ petition stands dismissed. There shall



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be no order as to costs. Connected miscellaneous petition is closed.

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Index:Yes/No
Internet:Yes/No
mst

To

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S.SOUNTHAR, J.

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