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W.P.No.35623 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.35623 of 2024 and

W.M.P.No.38483 of 2024

S.Pappu @ Pappammal

...Petitioner

Vs.

1. The Commissioner

Hindu Religious and Charitable Endowment Department
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

2. The Joint Commissioner

Hindu Religious and Charitable Endowment Department
Dindigul Division,
Plot. No.49, MRS Nagar, Mullipadi village,
Seelapadi Post, Dindigul-624 005.

3. The Fit person

A/m.Devarajaperumal Temple &
A/m.Kannimar Temple,
Chatrapati village, Dindigul West Taluk,
Dindigul District.

Also the

The Executive Officer,
A/m.Gopinathaswamy Temple
Reddiyarchatram, Dindigul West,
Dindigul District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 2 and 3 from taking any coercive action to take charge of the temple till the disposal of the Appeal petition in A.P. No. (E.Office.NO) 1009317/ 2024 pending before the 1st Respondent filed against order dated 16.10.2024 of the 2nd Respondent made in Se.Mu. Na.Ka. 2915/ 2023/ A1 and the consequential notice dated 28.10.2024 issued by the 3rd Respondent.

For Petitioner : Mr.V.Srikanth

For respondents 1 to 3 : Mr.K.Karthikeyan
Government Advocate (HR &CE)

ORDER

This writ petition is filed seeking issuance of writ of mandamus forbearing the respondents 2 and 3 from taking any coercive action to take charge of the temple till the disposal of the Appeal petition in A.P. No. (E.Office.NO) 1009317/ 2024 pending on the file of 1st Respondent filed against the order dated 16.10.2024 appointing fit person to subject temple by the 2nd Respondent in Se.Mu. Na.Ka. 2915/ 2023/ A1 and the consequential notice dated 28.10.2024 issued by the 3rd Respondent.



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2. It is the case of the petitioner that Arulmigu Devarajaperumal Temple and Arulmigu Kannimar Temple situated at Chatrapatti village, Dindigul West Taluk, Dindigul District were constructed and have been in management of the petitioner's ancestors from the inception. The petitioner's ancestors filed an application under Section 63(b) of HR & CE Act before the Deputy Commissioner, HR & CE Department, Madurai Division and obtained order that trusteeship of the subject temple was hereditary by order dated 07.07.1976. It is stated by the petitioner that she and her siblings filed an application under Section 54(1) of HR & CE Act seeking their formal recognition as hereditary trustees and the same is pending. In the meantime, the 2nd respondent appointed a fit person to the above said temple without affording any opportunity to the petitioner and others. Challenging the said order appointing fit person, the petitioner filed an appeal before the 1st respondent in A.P.No.(E.Office.No)1009317/ 2024. The petitioner also filed stay application before the 1st respondent and the same is not taken up for hearing till date. When the appeal and stay application filed by the petitioner



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are pending, the 2nd respondent passed an order on 16.10.2024 directing the petitioner to hand over the management of the temple to fit person. Therefore, the petitioner has come before this Court.

3. A reading of the order passed by the 2nd respondent dated 16.10.2024 would clearly indicate that petition filed by the petitioner and others for their recognition as hereditary trustee under Section 54(1) of HR & CE Act is still pending disposal. In the meantime, the 2nd respondent appointed a fit person to the temple and the said order is challenged by the petitioner before the 1st respondent. In such circumstances, without deciding the stay application filed by the petitioner before the 1st respondent, it is not appropriate for the respondents to insist the petitioner to hand over the charge. Therefore, the 1st respondent is directed to take up the stay application filed by the petitioner along with appeal in A.P.No.(E.Office.No).1009317/ 2024 and dispose of the same on its' own merits within a period of four weeks from the date of receipt of copy of this order after affording reasonable opportunity to the petitioner



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4. Till the stay application filed by the petitioner is considered and disposed of by the 1st respondent, no coercive steps shall be taken against the petitioner for taking over the management of the said temple.

5. With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

02.12.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

1. The Commissioner
Hindu Religious and Charitable Endowment Department
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

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S.SOUNTHAR, J.

nr

2. The Joint Commissioner
Hindu Religious and Charitable Endowment Department
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