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W.P. No. 36017 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 36017 of 2023
and
W.M.P. No. 35993 of 2023**

Chinnatambi

... Petitioner

-VS-

1. The Commissioner
Hindu Religious and Charitable Endowments Department
No. 119, Uthamar Gandhi Salai
Nungambakkam High Road
Nungambakkam, Chennai - 600034.
2. The Joint Commissioner
Office of the Hindu Religious and
Charitable Endowments Department
Salem - 1.
3. The Fit Person /Executive Officer
Arulmigu Balasubramania Swamy Thirukovil
Vadachennimalai, Aathur Taluk
Salem District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the Second Respondent in Order Se.Mu.Na.Ka.No.2386/2022/E1/dated 07.06.2022 and quash the same.



W.P. No. 36017 of 2023

WEB COPY

For Petitioner : Ms. C.A.Sharmila

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

ORDER

Heard Ms. C.A.Sharmila, Learned Counsel for the Petitioner and Mr. N.R.R.Natarajan, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that he had on 09.03.2022 made an application under Section 54(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the HR & CE Act' for short) for recording him as the Hereditary Trustee of Sri Arangattuamman, Sri Selliamman alias Durgaiamman, Sri Puttanda Gundu Perumal Temples, Naduvalur Village, Athur Taluk, Salem District (hereinafter referred to as 'the Temple' for short), but without taking any decision on it, the Second Respondent by Proceedings in Se. Mu. Na. Ka. No. 2386/ 2022/E1 dated 07.06.2023 has appointed a Fit Person to the said Temple, which is challenged in this Writ Petition.



W.P. No. 36017 of 2023

3. Learned Special Government Pleader appearing for the Respondents, on instructions, states that enquiry in the said application made by the Petitioner, which has been taken on file along with similar applications filed by 3 other persons, has been fixed on 06.03.2024 before the Second Respondent and he has also filed memo dated 15.02.2024 to that effect.

4. Having regard to the aforesaid submissions made, this Court without expressing any view on the merits of the controversy, passes the following order:-

- (i) the Second Respondent shall immediately examine the pending applications made by the Petitioner and other persons for recording one of them as the Hereditary Trustee of the Temple including ascertaining as to whether they would be entitled for such relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner and other persons requiring the same to be furnished within a time frame of not less than 3 working days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, full opportunity of personal hearing to the Petitioner and all other persons concerned shall be afforded to explain their position in the



W.P. No. 36017 of 2023

enquiry conducted in that regard;

- (iv) it shall be ensured that there are atleast two effective hearings every month showing progress of the case;
- (v) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;
- (vi) depending upon the ultimate outcome of such action taken, the Second Respondent shall pass appropriate orders as to the necessity for the continuance or otherwise of the Fit Person appointed for the Temple in the impugned order; and
- (vii) the report of such compliance shall be filed before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petition is closed. No costs.

15.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 04.03.2024.

Maya



W.P. No. 36017 of 2023

To

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Hindu Religious and Charitable Endowments Department
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Arulmigu Balasubramania Swamy Thirukovil
Vadachennimalai, Aathur Taluk
Salem District.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. Chinnatambi,
Naduvalur Village,
Attur Taluk,
Salem District.



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W.P. No. 36017 of 2023

P.D. AUDIKESAVALU, J.

Maya

W.P. No. 36017 of 2023

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