



W.P.No.39109 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 19.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.39109 of 2024

M.Balasundharam

... Petitioner

Vs.

1. Additional Chief Secretary To Government
Department Of Tourism, Culture And Religious Endowment,
Secretariat, Fort St. George, Chennai 600 009.

2. Hindu Religious And Charitable Endowment Department
Rep By Its Commissioner, No 34, Nungambakkam High Road,
Chennai 600 034.

3. The Joint Commissioner
Hindu Religious And Charitable Endowment Department, Perunthitta
Valagam, Villupuram, Villupuram District

4. The Assistant Commissioner Cum - Executive Officer
Arulmighu Angalamman Thirukoil, Melmalyanur Gingee Taluk,
Villupuram District 604 204

5. The Election Officer / Assistant Commissioner
Arulmighu Angalamman Thirukoil, Melmalyanur Gingee Taluk,
Villupuram District 604 204
... Respondents

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



W.P.No.39109 of 2024

seeking for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 15.02.2024 seeking extension of the tenure of the present trustees by one more year from 24.01.2024 in modification of the term stated in G.O.Ms.No.42, Tourism and Culture and Endowment Department dated 14.02.2024 issued by the first respondent within a period to be prescribed by this Court.

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.N.R.R.Arun Natarajan,
Special Government Pleader
for respondents 1 to 5.

ORDER

This writ petition is filed seeking a direction to the respondents to consider the representation of the petitioner dated 15.02.2024 seeking extension of tenure of the present trustees by one more year from 24.01.2024.

2. It is the case of the petitioner that as per the Scheme settled for the subject temple, the term of the elected trustees is three years. However, in G.O.No.42, dated 14.02.2024, issued for appointment of



W.P.No.39109 of 2024

WEB COPY

trustees, the respondents mentioned the term of trustees as two years, instead of 3 years, as mentioned in the Scheme settled in O.A.No.144 of 1968. Therefore, the petitioner submitted a representation on 15.02.2024 before the first respondent seeking modification of the government order, in so far as the term of the trustees is concerned. The said representation has not been considered by the respondents. Therefore, the petitioner has come before this court.

3. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader, who takes notice for the respondents would submit that as per the scheme settled for the temple in question, the term of office of the elected trustees shall be three years, however, as per the amended provision of 47(3) of the HR & CE Act, the term of trustees has been reduced. The learned counsel also brings it to the notice of this court that under Section 50 of the HR & CE Act, the power of appointing Trustees shall be exercised by the Government notwithstanding any thing contained in the scheme settled, deemed to have been settled under this Act.

4. In view of Section 50 of the HR & CE Act, it is clear that if



W.P.No.39109 of 2024

WEB COPY

there is any conflict between scheme settled for the temple and the provisions of the Act, the provisions of the Act will prevail over the scheme. Now, Section 47(3) of the Act has been amended and the term of the appointed trustees, which was originally three years is reduced to two years from 03.02.2010. Therefore, the grievance expressed by the petitioner cannot be considered by the first respondent, in the light of Section 47(3) r/w Section 50 of HR & CE Act. Therefore, this court is not inclined to entertain the writ petition.

5, Accordingly, this writ petition is dismissed. There shall be no order as to costs.

19.12.2024

Index:Yes/No
Internet:Yes/No
mst

To

1. Additional Chief Secretary To Government
Department Of Tourism, Culture And Religious Endowment,
Secretariat, Fort St. George, Chennai 600 009.

2. Hindu Religious And Charitable Endowment Department



W.P.No.39109 of 2024

Rep By Its Commissioner, No 34, Nungambakkam High Road,
Chennai 600 034.

3. The Joint Commissioner
Hindu Religious And Charitable Endowment Department, Perunthitta
Valagam, Villupuram, Villupuram District
4. The Assistant Commissioner Cum - Executive Officer
Arulmighu Angalamman Thirukoil, Melmalyanur Gingee Taluk,
Villupuram District 604 204
5. The Election Officer / Assistant Commissioner
Arulmighu Angalamman Thirukoil, Melmalyanur Gingee Taluk,
Villupuram District 604 204



WEB COPY



W.P.No.39109 of 2024

S.SOUNTHAR, J.

mst

W.P.No.39109 of 2024

19.12.2024