



W.P.(MD) No.2106 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.2106 of 2024

and

W.M.P.(MD) No.2105 of 2024

1.K.Venkatesan

2.N.Kumaraguru

3.S.Ramachandran

4.C.Shanmugathai

5.P.Vengatesh

... Petitioners

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai – 24.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Sivagangai District.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Ramanathapuram District.



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4.A.Muthupandi

5.R.Madasami

6.K.Karuppaiah

7.K.Perumal

8.M.Ramalingam

9.R.Balan

10.Backiyalakshmi

... Respondents

*(R10 impleaded today vide separate
order in W.M.P.(MD) No.5614 of 2024)*

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the second respondent to conduct an inquiry in view of the complaint dated 26.12.2023 and consequently allow the petitioners to administer the temple peacefully without any interference of the private respondents.

For Petitioners : Mr.S.Ramanathan

For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader

For R4 : No appearance

For R5 to R10 : Mr.Raja Karthikeyan



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the said Act, the third respondent, namely, the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Ramanathapuram District, has appointed the fifth respondent as Non-Hereditary Trustee only for administration and maintaining the properties of the Temple properly. Therefore, no interference is required with the impugned order passed by the third respondent. However, the second respondent, namely, the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Sivagangai District, shall conclude the proceedings in O.A.No.6 of 2023 filed by the petitioners as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. If it is veracious that the petitioners are administering the said Temple for the past seven generations, they shall be permitted to function as Administrators of the said Temple along with the NonHereditary Trustee. In the event, if the fifth respondent takes any decision dominating the administration or with regard to the properties of the Temple, the petitioners are at liberty to report the same before the third respondent.

3. In the above background, the present Writ Petition has been filed stating that the application filed by the petitioners before the second respondent under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 in O.A.No.6 of 2023 is yet to be considered and disposed of on merits.



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4. The learned counsel for the newly impleaded respondent, namely the tenth respondent who also took the interest of the sixth respondent would submit that the petitioners were merely priests who were appointed for Aadi festival and therefore, they cannot claim rights over the management of the Temple. That apart, it is submitted that the Temple is administered by a committee of three villagers namely, Mudukulathur, Selvanayagapuram and Thoori Villages and the representatives of the said villagers are nominated to the posts of President, Secretary and Treasurer on rotational basis. It is submitted that the petitioners are interfering with the day-to-day management of the Temple claiming rights.

5. Although elaborate submissions made by the learned counsel for the petitioners and the private respondents herein, I am of the view, to meet the ends of justice, it would be ideal that O.A.No.6 of 2023 filed by the petitioners before the second respondent under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 is disposed of on merits and in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order.



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6. Considering the fact that the petitioners may not have impleaded all the private respondents herein, in O.A.No.6 of 2023, a direction is given to the second respondent to issue notice to all the private respondents herein including the newly impleaded tenth respondent before passing order in O.A.No.6 of 2023.

7. Accordingly, this Writ Petition stands allowed with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

12.04.2024
(3/3)

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

JEN

Copy To:

- 1.The Commissioner,
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C.SARAVANAN, J.

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