



W.P.(MD)No.2076 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.2076 of 2024
and
W.M.P.(MD)No.2082 of 2024

Sri. Valaroliswarar Nagara Vairava
Swamy Devasthanam,
Rep. through its Managing Trustee,
C.Ravi Ramasamy Chettiar,
S/o.Chokkalingam Chettiar,
N.Vairavanpatti,
Sivagangai District.

... Petitioner

versus

1. The Secretary to the Government,
Government of Tamilnadu,
Department of Tourism, Culture
and Hindu Religious Department,
Secretariat,
Chennai.
2. The Commissioner,
H.R.& C.E.,
Chennai – 600 034.
3. The Joint Commissioner,



W.P.(MD)No.2076 of 2024

H.R.&C.E., Muthusamy Nagar,
Sivagangai – 630 501.

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned orders passed by the 2nd respondent in Se.Mu.Na.Ka.No.63984/2023-1/A2 dated 17.11.2023 and consequent order in Na.Ka.No.63984/2023/A2 dated 09.01.2024 and quash the same sofar as the appointment of two trustees from the outsource and consequently, direct the second respondent to appoint balance two Non-Hereditary Trustees based on the application dated 11.12.2022 from the Vairavanpatti Nagarathar Clan.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.P.Subba Raj,
Special Government Pleader

ORDER

The petitioner is the one of the Managing Trustees of the Sri Valaroliswarar Nagara Vairava Swamy Devasthanam, N.Vairavanpatti,



W.P.(MD)No.2076 of 2024

Sivagangai District. He has filed this writ petition challenging the order of the second respondent dated 17.11.2023, appointing three members as non-hereditary trustees of Arulmighu Valaroliswarar Temple, N.Vairavanpatti, Sivagangai District and the consequential communication dated 09.01.2024, ordering for appointment of Chairman of Trustees.

2. The learned counsel appearing for the petitioner submits that three non-hereditary trustees were appointed by the impugned order dated 17.11.2023. Thereafter, the Government, by G.O.Ms.No.298, Tourism, Culture and Charitable Endowment Department, dated 10.12.2023, appointed two members as non-hereditary trustees, who are strangers to the temple. Subsequently, the first respondent, by communication dated 09.01.2024, ordered for appointment of Chairman of Trustees. Challenging the same, the present writ petition has been filed.



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W.P.(MD)No.2076 of 2024



W.P.(MD)No.2076 of 2024

3. The learned counsel for the petitioner further submits that as per Section 47(2) of HR&CE Act, the Government can nominate non-hereditary trustees, however, they have to be appointed only by the Commissioner of HR&CE Department. In this case, the appointments have been made by the Government directly by G.O.Ms.No.298, Tourism, Culture and Charitable Endowment Department, dated 10.12.2023, which is in violation of the provisions and their rights.

4. The petitioner, without challenging the G.O.Ms.No.298, Tourism, Culture and Charitable Endowment Department, dated 10.12.2023, has challenged the consequential communication dated 09.01.2024 issued by the 2nd respondent.

5. Therefore, this writ petition is closed with liberty to the petitioner to file a fresh writ petition challenging the order passed by the second respondent dated 17.11.2023, G.O.Ms.No.298, Tourism, Culture and Charitable Endowment Department, dated 10.12.2023 and



W.P.(MD)No.2076 of 2024

the consequential communication issued by the second respondent dated 09.01.2024. No costs. Consequently, connected miscellaneous petition is closed.

02.02.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

Note: The Registry is directed to return the original impugned orders to the petitioner.

To

1. The Secretary to the Government,
Department of Tourism, Culture
and Hindu Religious Department,
Secretariat,
Chennai.
2. The Commissioner,
H.R.& C.E.,
Chennai – 600 034.
3. The Joint Commissioner,
H.R.&C.E., Muthusamy Nagar,
Sivagangai – 630 501.



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W.P.(MD)No.2076 of 2024

B.PUGALENDHI, J.

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W.P.(MD)No.2076 of 2024

02.02.2024