



W.P(MD)No.2604 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.2604 of 2021

Thangaraj

... Petitioner

versus

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Ellis Nagar,
Madurai.

2. The Managing Trustee,
Arulmigu Kottai Mariamman Temple,
Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to take necessary action for filling up the vacancy in the office of trusteeship in the place of S.P.Venkatachalapathy, Gopal Chettiar, Balasundaram in consonance with the judgment and decree passed in A.S.No.48/1975 on the file of Hon'ble High Court, Madras on the basis of the petitioner's representations dated 01.09.2020 and 07.10.2020.



W.P(MD)No.2604 of 2021

For Petitioner : No appearance
For R1 : Mr.P.Subba Raj,
Special Government Pleader
For R2 : Mr.S.Manohar

ORDER

The petitioner has filed this writ petition for a mandamus directing the respondents to fill up the vacancies in the office of Trusteeship to Arulmigu Kottai Mariamman Temple, Dindigul District as per the decree dated 06.03.1978 passed in A.S.No.48 of 1975.

2. Though this writ petition was listed for hearing before this Court on 02.02.2024 and 23.02.2024, there was no representation for the petitioner and therefore, the Registry was directed to list this writ petition under the caption “For Dismissal”. Even today, there is no representation for the petitioner.



W.P(MD)No.2604 of 2021

WEB COPY

3. The case of the petitioner as per the affidavit filed in support of the writ petition is that Arulmigu Kottai Mariamman Temple is an excepted temple and it was declared by the Department as an excepted temple under Section 9(5) of the Madras Act II of 1927. This temple was administered by the Hereditary Trustees. However, the mode of appointment of trustees to the Temple was not uniform. Therefore, an application was filed in O.A.No.50 of 1965 before the Deputy Commissioner of HR&CE Department, Madurai and the same was dismissed on 16.02.1967. As against the same, an appeal was filed before the Commissioner of HR&CE Department, Chennai, in A.P.No.19 of 1967 and the same was also dismissed by order dated 24.05.1969. In the meantime, the Department has filed a suit in O.S.No.55 of 1969 before the Sub Court, Dindigul and the suit was decreed by a Judgment and Decree dated 04.08.1971. As against the same, an appeal suit in A.S.No.48 of 1975 was also filed before this Court and the appeal suit was dismissed by a Judgment and Decree dated 06.03.1978, confirming the Judgment and Decree dated 04.08.1971 passed by the trial Court. The said order has not



W.P(MD)No.2604 of 2021

been challenged and therefore, it has become final. Therefore, the petitioner has filed this writ petition seeking a mandamus to appoint the Trustees, as per the Judgment and decree dated 06.03.1978 passed in A.S.No.48 of 1975.

4. The learned counsel appearing for the second respondent submits that there are ten trustees for this temple and among ten trustees, seven trustees are functioning. There is a dispute with regard to the appointment of remaining three trustees. Out of three trustees, with regard to the appointment of one Ramamoorthy, there is a rival claim between the family members. Further, the appointment of two other trustees have not been approved by the Joint Commissioner of HR&CE Department, Madurai. Therefore, those trustees have filed a revision petition before the Commissioner of HR&CE Department, Chennai and the same is pending in R.P.No. 133 of 2022.

5. This Court considered the materials placed on record.



W.P(MD)No.2604 of 2021

WEB COPY

6. The petitioner has approached this Court for appointment of trustees as per the decree dated 06.03.1978 passed in A.S.No.48 of 1975. The respondents claims that out of ten trustees, seven trustees are functioning and there is dispute with regard to the appointment of three trustees. In this regard, a revision petition is also pending before the Commissioner of HR&CE Department, Chennai.

7. Therefore, this writ petition is disposed of with a direction to the Commissioner of HR&CE Department, Chennai, to dispose of the revision petition within a period of six months from the date of receipt of a copy of this order. No costs.

05.03.2024

NCC: Yes/No
Index: Yes/No
Internet: Yes
ogy



WEB COPY



W.P(MD)No.2604 of 2021

B.PUGALENDHI, J.

ogy

To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Ellis Nagar,
Madurai.
2. The Managing Trustee,
Arulmigu Kottai Mariamman Temple,
Dindigul District.

W.P(MD)No.2604 of 2021

05.03.2024