



W.P(MD)No.2803 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.2803 of 2024 and
WMP(MD) Nos.2801 & 2804 of 2024

Palanichamy.V

... Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam,
Chennai - 34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Dindigul.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
O/o.the HR and CE,
Dindigul.

4.The Inspector,
HR and CE Department,
Dindigul West,
Dindigul.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records, pertaining to the impugned notice vide Na.Ka.No. 771/2023-37/A2, dated 18.12.2023, issued by this 3rd respondent, as not valid and quash the same and thereby, directing the respondents not to go against the rights of the Pillaimar and Yadava Community people of Sennamanaickenpatti Village with respect to the Vinayagar temple situated in S.No.809 in the same Village (Chettinaickenpatti Revenue Village).

For Petitioner : Mr.F.X.Eugene
For Respondents : Mr.P.Subba Raj
Special Government Pleader

ORDER

As against the notification issued by the third respondent, dated 18.12.2023, calling for applications for appointment of non-hereditary trustees for the Vinayagar temple situated in Chettinaickenpatti Revenue Village, this writ petition is filed.



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2.The petitioner claims that the subject temple is a denominational temple belong to two community people. However, the respondents are attempting to appoint non-hereditary trustees for the administration of the temple. Therefore, the petitioner is before this Court.

3.The learned counsel for the petitioner has relied on the judgment and decree passed in O.S.No.366 of 2006 by the District Munsif Court, Dindigul and submits that the right of the petitioner has already been confirmed. Despite the same, the respondents are now treating the temple as a public temple and also attempting to appoint non-hereditary trustees.

4.Mr.P.Subba Raj, learned Special Government Pleader takes notice for the respondents and submits that they are not proceeding with the notice as on date. If the petitioner is having any grievance with regard to the appointment of hereditary trustees, he can make his submission before the Joint Commissioner.



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5.Considering the rival submissions made, this writ petition is disposed of with a liberty to the petitioner to submit his representation to the Joint commissioner within a period of two weeks from the date of receipt of a copy of this order along with the judgment and decree passed in O.S.No.366 of 2006. The Joint Commissioner shall take a decision on the petitioner's representation as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petitions are closed.

09.02.2024

NCC: Yes/No
Index:Yes/No
Internet:Yes
vrn



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B.PUGALENDHI, J.

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