



W.P.(MD) No.4850 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD) No.4850 of 2020

and

W.M.P(MD)Nos.4217 and 4218 of 2020

1. C.A.N.Gunasekaran
2.K.M.Subramani

... Petitioners

Vs.

1.The Joint Commissioner,
Hindu Religious Charitable and Endowment
Department,
Trichirappalli.

2.P.Selvaraj

3.P.Ramasamy

4.V.Kandhasamy

5.Ramasamy Iyengar

6.R.Thangavel

7.S.Ramkumar

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice issued by the 1st respondent in Na.Ka.No. 1147/2020/A1 dated 25.01.2020 and quash the same as illegal and arbitrary and without jurisdiction and consequently forbearing the 1st respondent from appointing non-hereditary trustees in respect of Arulmighu Mariyamman and Kaliyammal Temples of Thanthoni Village, Karur Taluk, till the disposal of O.A.11 of 2018 pending on the file of the 1st respondent.

For Petitioners	:	Mr.K.Suresh
For R1	:	Mr.P.Subbaraj Special Government Pleader
For R6	:	Mr.K.Hema Karthikeyan
For R2 to R5	:	No appearance

ORDER

This Writ Petition is filed in the nature of Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice issued by the 1st respondent in Na.Ka.No.1147/2020/A1 dated 25.01.2020 and



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quash the same as illegal and arbitrary and without jurisdiction and consequently, to forbear the 1st respondent from appointing non-hereditary trustees in respect of Arulmighu Mariyamman and Kaliyammal Temples of Thanthoni Village, Karur Taluk, till the disposal of O.A.11 of 2018 pending on the file of the 1st respondent.

2. The petitioners are representatives of Arulmighu Mariyamman and Kaliyammal Temples of Thanthoni Village, Karur Taluk and District. The petitioners claimed that the villagers of the respective villages have the worshipping right of the above temple. According to the learned counsel for the petitioner, people belonged to 13 villages are worshipping the temple for several decades and they are also administering the temple. While so, the representatives of four villages have approached the first respondent under Section 64(1) of the Hindu Religious and Charitable Endowment Act, 1959 to frame a Scheme. A Scheme was also framed in O.A.No.38 of 1994 on 20.07.2010. Knowing about the same, the petitioners and other villagers have also filed an application for modification of Scheme in the year 2018 and the same is



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pending before the first respondent in O.A.No.11 of 2018. Pending these proceedings, the first respondent has invited applications for appointing a non-hereditary trustees for Arulmighu Mariyamman and Kaliyammal Temples of Thanthoni Village, Karur Taluk, as per the Scheme framed on 20.07.2010. Aggrieved over the same, this writ petition was filed in the year 2020.

3. When this writ petition is taken up for hearing, the learned Government Pleader submits that the proceedings in O.A.No.11 of 2018, filed by these petitioners are not yet concluded. He further submitted that in view of the pendency of the writ petition, they have not appointed the non-hereditary trustees for the above temples.

4. This Court considered the rival submissions made by the counsels on either side. Since the petitioner has already filed an application for modification of the Scheme which has also been entertained by the first respondent in O.A.No.11 of 2018, which is now transferred to the Joint Commissioner, Thiruppur and is pending in



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O.A.No.110 of 2021, this Court directs the Joint Commissioner, Hindu Religious and Charitable Endowment Department, Thiruppur, to dispose of the O.A.No.110 of 2021, within a period of three months from the date of receipt of a copy of this order. The first respondent shall not pursue the matter by appointing any non-hereditary trustee in the meantime.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

05.01.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

- 1.The Joint Commissioner,
Hindu Religious Charitable and Endowment Department,
Trichirappalli.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thiruppur.



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B.PUGALENDHI, J.

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