



WP(MD)No.9449 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP (MD) No.9449 of 2021

and

**WMP (MD) Nos.7171 and 7173 of 2021 and
1463 of 2022.**

D.Murugan

... Petitioner

Vs

- 1.The Commissioner,
Hindu Religious and
Charitable Endowments Department,
Nungambakkam High Road,
Chennai - 600 034.
- 2.The Joint Commissioner,
Hindu Religious and
Charitable Endowments Department,
Ellis Nagar, Madurai.
- 3.Nacharammal Trust,
Vandiyur
represented by its hereditary Trustee,
Pitchaiammal @ Kamatchiammal,
W/o.Ramalingam Pillai,
No.108, Middle Street,
Kovilpappakudi Village,
Madurai North Taluk,
Madurai 625 018.

4.D.Tamil Ganesan

... Respondent



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent in Se.Mu.Ka.No.9290/2007-1/Aa1 dated 19.01.2001 and quash the same and direct the 2nd respondent to initiate fresh proceedings under Section 54 of the Tamil Nadu Hindu Religious and Charitable Endowments Act for appointment of hereditary trustee for the 3rd respondent trust in the line of Senior Muthusamy Pillai line and make appointment as per law.

For Petitioner : Mr.R.Pon Karthikeyan
For Respondent : Mr.P.Subbaraj,
Nos.1 and 2 Special Government Pleader
For Respondent : Mr.M.Saravanan
No.3

ORDER

The petitioner has filed this writ petition as against appointment of one Baby as a Trustee of the 3rd respondent trust, vide order dated 19.01.2021 by the 2nd respondent / Joint Commissioner under Section 54 of the Tamil Nadu Hindu Religious and Charitable Endowments Act.



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2.This trust is under the control of the HR and CE Department and administered by the Trustees pursuant to the orders of this Court. Earlier this trust was administered by the Executive Officer of the HR and CE Department. While so, one Anandam Pillai filed a writ petition in WP.No.33163 of 2002 and pending that writ petition, Anandham Pillai died on 16.02.2002 leaving behind his legal heirs viz., Dakshinamoorthy, Madhavan, Chandran, Muthusamy, Pappayee @ Parvathy and Logambal. After the demise of the Anandham Pillai, the wife of the Dakshinamoorthy has filed the writ petition in WP(MD)No.26938 of 2019 for a direction to appoint her as a trustee. This Court by order dated 05.04.2019 has directed the 2nd respondent to consider her representation. Based on that Baby was appointed as a trustee. The writ petitioner has moved this writ petition as against the order of the appointment of Baby as a trustee of the Trust in proceedings No. 9290/2007-1/Aa1, dated 19.01.2021.



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3.The case of the petitioner is that the 4th respondent is the son of Baby, who was appointed as trustee and she passed away on 29.04.2021. However, the 4th respondent taking advantage of the same is misusing the trust properties and is attempting to sell the trust properties. The petitioner is the son of Dakshinamoorthy and therefore he has submitted a representation to the respondent and has filed this writ petition challenging the order of the appointment of Baby as a hereditary trustee.

4.Admittedly even at the time of filing of this writ petition, Baby who was appointed as a hereditary trustee vide the impugned order dated on 19.01.2021, has passed away.

5.The grievance of the petitioner is that taking advantage of the order, Baby's son / 4th respondent herein is attempting to sell the property. This Court has also ordered notice to the respondent. However, the notice sent to the 4th respondent has been



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returned as 'Door Locked'. This Court has also granted an order of interim stay of the impugned order. The 4th respondent has filed an application to vacate the stay, however, he has not prosecuted the same.

6.The 4th respondent claims that the petitioner is not the legal heir of Dakshinamoorthy. Admittedly Baby, who was appointed as a hereditary trustee, vide impugned order, was not alive even while filing this writ petition.

7.In view of the above, this writ petition is dismissed with a direction to the 2nd respondent / the Joint Commissioner to verify whether the particular Trust functions in a proper manner. If there is any mismanagement, the Joint Commissioner shall appoint an Executive Officer to manage the affairs of the trust. Since the Trust is in the control of HR and CE Department, the parties, who are interested in the affairs of the trust shall file necessary application under Section 54(1) of the



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Hindu Religious and Charitable Endowments Act for
appointment of Trustee to the trust. No costs.
Consequently connected miscellaneous petitions are
closed.

15.02.2024

Internet : Yes / No

DSK

To

- 1.The Commissioner,
Hindu Religious and
Charitable Endowments Department,
Nungambakkam High Road,
Chennai - 600 034.
- 2.The Joint Commissioner,
Hindu Religious and
Charitable Endowments Department,
Ellis Nagar, Madurai.



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B. PUGALENDHI , J .

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