



W.P.(MD) Nos.10407 and 10414 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD) Nos.10407 and 10414 of 2022

and

W.M.P(MD) Nos.7437, 7440, 7452 and 7453 of 2022

W.P.(MD) No.10407 of 2022

Arulmigu Agastheeswarar Temple
Ambasamudram,
Tirunelveli District,
Tamil Nadu,
Represented through its President,
Chairman/Trustee
Sangu S.Sabapathi
S/o.A.Sankarasubbu

... Petitioner

Vs.

1.The Joint Commissioner,
HR&CE Department,
52/A1 Trivandrum Road,
Palayamkottai, Tirunelveli.

2.The Assistant Commissioner,
HR&CE Department,
Tirunelveli.

3.The Inspector,
HR&CE Department,
Ambasamudram,
Tirunelveli.

... Respondents



W.P.(MD) Nos.10407 and 10414 of 2022

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records in வெ.ஆணை எண். 105/2022 செ.ம.தொ.அ/திலி நாள் 02.05.2022 on the file of the first respondent and quash the same as illegal, ultravires and unconstitutional.

For Petitioner : Mr.S.Ramesh

For Respondents : Mr.P.Subbaraj
Special Government Pleader

W.P.(MD)No.10414 of 2022

Arulmigu Sri Sankaralingaswamy Thirukovil
Rep.by its Trustee, Thiru Murugaswaminathan
Mela Ambasamudram Town & Taluk,
Tirunelveli District.

... Petitioner

Vs.

- 1.The Joint Commissioner,
HR&CE Department,
Tirunelveli.
- 2.The Assistant Commissioner,
HR&CE Department,
Tirunelveli.
- 3.The Inspector,
HR&CE Department,
Ambasamudram,
Tirunelveli.

... Respondents



W.P.(MD) Nos.10407 and 10414 of 2022

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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records related to the impugned proceedings of the first respondent- The Joint Commissioner of H.R&CE Department, Tirunelveli, dated 24.04.2022 in Na.Ka.No.3664/2022/A2 and quash the same.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.P.Subbaraj
Special Government Pleader

COMMON ORDER

Challenging the notifications of the Joint Commissioner, HR&CE Department, Tirunelveli, dated 02.05.2022 and 24.04.2022 inviting applications from Senguntha Mudaliar Community of Mela Ambasamudram for appointment of trustees of Arulmighu Agastheeswarar Temple and Arulmighu Sankaralingaswamy Temple respectively, the present writ petitions are filed by the petitioners.



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2. The learned counsel for the petitioner in both petitions submits that the petitioners are trustees of Arulmighu Agastheeswarar Temple and Arulmighu Sankaralingaswamy Temple, Ambasamudram Town, Thirunelveli District respectively. These temples were established by the people of the Senguntha Mudaliar of Mela Ambasamudram. A scheme was also framed by the Additional Sub Court, Tirunelveli in O.S.No.22 of 1919 on the administration of the temples. As per the scheme, the annual general body meeting has to be convened every year on 10th of Tamil Month Avani and a new committee has to be elected once in a three years in the General Body Meeting. The Committee which is elected in the General Body Meeting can administer the temples for a period of three years. The trustees of the temples were already elected in the Annual General Body Meeting and the tenure was upto 26.08.2022. While so, the Joint Commissioner has invited applications for the post of Trustees. This Court, while entertaining these writ petitions, has granted an interim order of stay in the following terms:-

4. In view of the scheme decree already been issued and that according to the petitioners' counsel is acted upon, whether the present notifications are in



consonance with the scheme decree or not, can be decided later on, after filing counter by the Hindu Religious and Charitable Endowments Department. Therefore, at present, to balance the interest of both sides, let the Joint Commissioner can receive the applications and scrutinize the same and keep it pending without finalizing as to whom from among the applicants the Trustees can be selected and appointed and that process can be kept pending till further orders. In the meanwhile, let the Hindu Religious and Charitable Endowments Department shall file counter.

3. Though this writ petition is pending from the year 2022, the respondents have not preferred to file any counter affidavit.

4. The case of the petitioners is that the elected trustees are having the tenure upto 26.08.2022 and even before the tenure is over, the Joint Commissioner has invited the applications for the post of trustees of the temples vide notifications dated 02.05.2022 and 24.04.2022. The Joint Commissioner invited applications only from the Senguntha Mudaliar Community of Mela Ambasamudram as per the scheme. Considering the



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fact that the period of elected trustees of the temples is also over, this Writ Petitions are closed with liberty to the Joint Commissioner, Hindu Religious and Charitable Endowment Department, Tirunelveli, to issue a fresh notification inviting applications for the post of trustees of the temples as per the scheme framed in O.S.No.22 of 1919 by the Additional Subordinate Court, Tirunelveli. No costs. Consequently, connected miscellaneous petition are closed.

27.03.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
cp

To

- 1.The Joint Commissioner,
HR&CE Department,
52/A1 Trivandrum Road,
Palayamkottai,
Tirunelveli.
- 2.The Assistant Commissioner,
HR&CE Department,
Tirunelveli.



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3. The Inspector,
HR&CE Department,
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B.PUGALENDHI,J

cp

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