



W.P.(MD) No.12307 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.12307 of 2024
and
W.M.P.(MD) Nos.10914 and 10915 of 2024**

Sekar

... Petitioner

/vs./

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.
- 3.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 4.The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi.
- 5.The Assistant Commissioner,
The Hindu Religious and Charitable Endowments Department,
Thoothukudi.



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6.R.Pethu Reddi

7.T.Tamilselvan

8.P.Chinnadurai

9.Murugesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned orders in Se.Mu.Na.Ka.No.1727/2023/A1, Se.Mu.Na.Ka.No.1728/2023/A1 and Se.Mu.Na.Ka.No.1732/2023/A1 dated 16.10.2023 passed by the 5th respondent and quash the same.

For Petitioner : Mr.K.Navanetharaja

For R1, R2 & R5 : Mr.P.Subbaraj
Special Government Pleader

For R3 & R4 : Mr.S.Manikandan
Government Advocate (Crl.side)

ORDER

Heard Mr.K.Navanetharaja, learned counsel for the petitioner, Mr.P.Subbaraj, learned Special Government Pleader for the respondents 1, 2 and 5 and Mr.S.Manikandan, learned Government Advocate (Crl.side) for the respondents 3 and 4.



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2.The petitioner is before this Court against the impugned orders dated 16.10.2023 passed by the fifth respondent/Assistant Commissioner, HR & CE, Thoothukudi appointing the private respondents herein as the non hereditary trustees under Section 49 of the HR & CE Act, 1959. The petitioner is aggrieved by the appointment of the respondents 7 to 9.

3.The specific case of the petitioner is that the petitioner represented A team, whereas the non hereditary trustees appointed vide the impugned orders are part of B team and that a peace committee meeting was held prior to the temple festival in the year 2019.

4.It is further submitted that in 2022, the Revenue Divisional Officer, Vilathikulam, in his proceedings dated 17.08.2022 bearing Ref.Na.Ka.No.A6/2892/2018 had allowed the petitioner to conduct the temple festival. It is therefore submitted that all of a sudden, the fifth respondent has appointed the respondents 7 to 9 as the non hereditary trustees for the temple without due notice to the petitioner.



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5. On the other hand, the impugned order is defended by the learned counsel for the respondents stating that an advertisement notice was issued for appointment of non hereditary trustee by the Joint Commissioner on 17.02.2023, in respect of which, there were applications filed by the the respondents 7 to 9, who have been appointed.

6. That apart, it is submitted that the applications were scrutinized and also approved by the District Level Committee on 16.10.2023 and pursuant to the resolution passed by the District Level Committee, the impugned order has been passed appointing the respondents 7 to 9.

7. It is further submitted that the petitioner in any event has an alternate remedy to challenge the order by way of revision under Section 21 of the HR & CE Act, 1959.

8. I have considered the submissions of the learned counsel for the petitioner, learned Special Government Pleader for the respondents, 1, 2 and 5



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and the learned Government Advocate (Crl.side) for the respondents 3 and 4.

9. Reading of Section 49 of the HR & CE Act, 1959 makes it clear that the petitioner was not entitled to any special notice before the appointment was made under the impugned order. All that was required from the petitioner was to respond to the advertisement dated 17.02.2023, calling for applications for being appointed as the non hereditary trustee. The petitioner, who slept over his right, cannot question the order appointing the fifth respondent in a Writ proceeding.

10. However, liberty is given to the petitioner to challenge the appointment of the fifth respondent under Section 21 of the HR & CE Act, 1959. The petitioner is entitled to obtain all the records from the HR & CE Department before filing a revision before the respondents.

11. It is made clear that in case, such a Revision Petition is filed within a period of 30 days from the date of receipt of a copy of this order by the petitioner, the concerned Joint Commissioner shall entertain the Revision Petition without reference to the limitation and dispose of the same on merits and in accordance



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12. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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13.06.2024

To

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The Hindu Religious and Charitable Endowments Department,

6/8



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C.SARAVANAN, J.

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