



W.P.(MD) No.12960 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.12960 of 2024
and
W.M.P.(MD) No.11503 & 11504 of 2024**

Maheswari

... Petitioner

Vs.

1.The Principal Secretary to Government,
Tourism, Culture and Hindu Religious Endowment Board,
Chennai – 9.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai – 625 001.

3.The Executive Officer,
Arulmigu Kattumariamman Thirukovil,
Thirumangalam,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 1st respondent in G.O/(D)No.53 Tourism, Culture, Hindu Religious and Charitable Endowment (HR3-1) Department dated 22.02.2024 and



W.P.(MD) No.12960 of 2024

quash the same as illegal and arbitrary and inconsequence thereto direct the 1st and 2nd respondents to consider and appoint the petitioner herein also as fit person for Arulmigu Kattumariamman Koil, Thirumangalam.

For petitioner : Mr.W.Pamelin

For respondents : Mr.P.T.Thiraviam
Government Advocate for R1 & R2
Mr.S.Manohar
Standing Counsel for R3

ORDER

Heard learned counsel for the petitioner, learned Government Advocate for the respondents 1 and 2 and learned Standing Counsel for the third respondent.

2. The petitioner claims that the temple belongs to her family and therefore, the appointment of the Non-Hereditary Trustee made by the third respondent is liable to be quashed.

3. Earlier, a similar Writ Petition was filed by one C.Senbaga Moorthi in **W.P.(MD)No.11582 of 2024**, which came to be dismissed on 04.06.2024. The order portion reads as under:



W.P.(MD) No.12960 of 2024

WEB COPY

“Mr.P.Subbaraj, learned Special Government Pleader takes notice for the respondents.

2.This Writ Petition has been filed without impleading the persons, who are likely to be impacted by any adverse orders to be passed in this Writ Petition. Therefore, in all fairness, the petitioner should impleaded the persons, who have been appointed as trustees of the aforesaid temple.

3.Therefore, the Writ Petition stands dismissed with a liberty to the petitioner to file a fresh Writ Petition by impleading all the persons, who are likely to be impacted if any adverse orders to be passed against them. No costs. Consequently, connected Miscellaneous Petitions are closed.”

4. It is noticed that in the affidavit filed by the petitioner in support of this Writ Petition has not stated that the petitioner has filed an application in response to the advertisement issued by the third respondent for appointment of Non-Hereditary Trustee.

5. The learned Government Advocate for the respondents 1 and 2 submits that 13 persons alone applied in response to the advertisement that was published on 12.01.2023 by fixing the last date for submitting applications as 12.02.2023. The petitioner has not filed any application in response to the advertisement. Hence, this Writ Petition is liable to be dismissed.



W.P.(MD) No.12960 of 2024

WEB COPY

6. Considering the fact that the petitioner has not filed any application for appointment of Non-Hereditary Trustee and the petitioner has also not impleaded the persons, who have been appointed by the impugned order, this Court is of the view that there is no merits in this Writ Petition.

Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
apd

19.06.2024

To
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W.P.(MD) No.12960 of 2024

C.SARAVANAN, J.

apd

W.P.(MD) No.12960 of 2024

19.06.2024