



W.P.(MD) No.14771 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.14771 of 2024
and
W.M.P.(MD)No.12963 of 2024**

G.Dhanalakshmi

... Petitioner

Vs.

1.The Joint Commissioner
Hindu Religious and Charitable Endowments Department,
Madurai.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.

3.The Executive Officer,
Hindu Religious and Charitable Endowments Department,
Arulmigu Kalyanasundarashwar Temple,
(Present Tharkkar of Arulmigu Thirowpathy Amman Temple),
Melur Taluk,
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



W.P.(MD) No.14771 of 2024

impugned order passed by the 2nd respondent in his proceedings No.Na.Ka.No.150/2024/Aa1 and consequential impugned order in his proceedings No.Na.Ka.No.150/2024-2-Aa1 dated 11.06.2024 and quash the same and to appoint the petitioner as hereditary trustee Arulmigu Thirowpathy Amman Temple situated at Chokkalingapuram, Melur Taluk, Madurai.

For petitioner : Mr.S.Sankar
For respondent : Mr.P.Subbaraj
Special Government Pleader

ORDER

Heard learned counsel for the petitioner and learned Special Government Pleader for the respondent.

2. The petitioner has challenged the impugned order dated 11.06.2024 bearing reference in Na.Ka.No.150/2024/Aa1 and the consequential impugned order bearing reference in Na.Ka.No.150/2024-2-Aa1 dated 11.06.2024.

3. By virtue of the first mentioned impugned order, the nomination of the petitioner as a Non-Hereditary Trustee has been cancelled. By virtue of the second mentioned impugned order, a fit person namely, the third respondent has been appointed as a Tharkkar.



W.P.(MD) No.14771 of 2024

WEB COPY

4. The petitioner appears to have been issued with Show Cause Notice dated 15.05.2024, but, she had failed to give appropriate reply.

5. It is submitted that the allegation of the TNHR&CE Department is that the petitioner has alienated several assets belonging to the Temple and that despite the Department calling upon the petitioner to furnish the documents to substantiate that the properties, which were alienated by the petitioner, belonged to her, none of the documents were furnished.

6. It is submitted that the lands, which were sold by the petitioner, were that of the petitioner's father's lands, in respect of which, patta was issued and therefore, there is no justification in unnecessarily asking the petitioner to produce the documents long before the nomination of the petitioner as a Non-Hereditary Trustee.

7. It is further submitted that as far as the allegation regarding renovation is concerned, the Temple is being renovated and a fresh building is also put up adjacent to the old complex. Hence, there is no merits in the impugned order



W.P.(MD) No.14771 of 2024

WEB COPY

nominating the third respondent as a fit person/Tharkkar.

8. The learned counsel for the petitioner has drawn attention to the patta issued in the name of the petitioner's father *viz.*, Ganesa Gurukkal and further, has drawn attention to the encumbrance certificate to show that the petitioner had sold the lands to an extent of 11 acres 85 cents in the year 2009, however, no documents are available with the petitioner.

9. It is submitted that the lands that were sold by the petitioner in the year 2009 long before the nomination of the petitioner as the Non-Hereditary Trustee of the Temple and as such transactions have no bearing on the position of the petitioner as a Non-Hereditary Trustee.

10. Having considered the submissions made by the petitioner and having perused the documents filed before this Court, the Court is of the view that although the orders are in detail, one fresh opportunity can be given to the petitioner. The petitioner shall give fresh representation to the second respondent within 30 days from the date of receipt of a copy of this order.



W.P.(MD) No.14771 of 2024

WEB COPY

11. The impugned order, which stands quashed, shall be treated as addendum to the Show Cause Notice dated 15.05.2024. The petitioner shall file a reply to that Show Cause Notice positively within a period of 30 days from today.

12. The respondent shall thereafter, pass fresh orders on merits and in accordance with law. In case the petitioner fails to file reply within such time, the respondents are entitled to pass fresh orders based on the available materials reiterating the contents of the impugned order.

13. In view of the above, the proceedings of the impugned order bearing reference in Na.Ka.No.150/2024-2-Aa1, dated 11.06.2024, appointment of Tharkkar, shall be kept in abeyance and shall be implemented subject to the final order to be passed in the remand proceedings.

This Writ Petition is disposed of, with above directions. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
apd

04.07.2024

5/6



WEB COPY



W.P.(MD) No.14771 of 2024

C.SARAVANAN, J.

apd

W.P.(MD) No.14771 of 2024

04.07.2024