



W.P.(MD) No.16041 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.16041 of 2024
and
W.M.P.(MD)No.13943 of 2024

Selvaraj

... Petitioner

Vs.

1.The Assistant Commissioner,
O/o. the Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Neelagiriswarar Thoppu, Theppakulam Theru,
Tiruvanai Kovil, Trichy.

2.The Inspector,
Hindu Religious & Charitable Endowment Department,
Manachanallur,
Trichy.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Tiruchirappalli.

... Respondents

(R3 is *suo motu* impleaded vide order dated 18.07.2024 in
W.P.(MD)No.16041 of 2024)



W.P.(MD) No.16041 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records relating to the impugned order passed by the first respondent in Notification No.Na.Ka.No. 12638-1/2022/A5 dated 15.06.2024 and quash the same as illegal.

For petitioner : Mr.S.B.Kayvin Prince

For respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

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

2. The petitioner was appointed as a Non-Hereditary Trustee in Sri Piramanar Temple, situated at Manachanallur Taluk, Tiruchirappalli, by the first respondent on 03.08.1998 for a period of three years.

3. The case of the petitioner is that the first respondent, without any provocation, has now issued impugned advertisement calling for the applications for appointment of Non-Hereditary Trustee under Section 49 of the TNHR&CE Act, 1959.



W.P.(MD) No.16041 of 2024

WEB COPY

4. The learned counsel for the petitioner submits that the petitioner has also filed an application before the Joint Commissioner in O.A.No.20 of 2023 under Section 64(1) of the TNHR&CE Act, 1959 to declare him as a Hereditary Trustee.

5. It is submitted that in the impugned advertisement, the applications are called for from the persons belonging to different Kothirams.

6. It is submitted that despite the categorical answer given by the first respondent that only the persons belonging to Manamudaiyan Maharishi Kothiram (Gotra) alone are entitled to assume the responsibility of the subject Temple, the impugned advertisement calls for the applications from the persons belonging to different Kothirams was issued.

7. The first respondent, while scrutinizing the applications filed by the respective applicants for the post of Non-Hereditary Trustee, may keep in mind the answer procured by the petitioner under RTI from the first respondent.

8. Under these circumstances, the Joint Commissioner, TNHR&CE



W.P.(MD) No.16041 of 2024

Department, Tiruchirappalli, is *suo motu* impleaded as the third respondent.

9. The third respondent is directed to dispose of O.A.No.20 of 2023 as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order. The petitioner shall also be heard before passing the orders.

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

Index : Yes / No
Internet : Yes / No
apd

18.07.2024

To
1.The Assistant Commissioner,
O/o. the Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Neelagiriswarar Thoppu, Theppakulam Theru,
Tiruvanai Kovil, Trichy.

2.The Inspector,
Hindu Religious & Charitable Endowment Department,
Manachanallur,
Trichy.



W.P.(MD) No.16041 of 2024

WEB COPY

3.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Tiruchirappalli.



WEB COPY



W.P.(MD) No.16041 of 2024

C.SARAVANAN, J.

apd

W.P.(MD) No.16041 of 2024

18.07.2024