



W.P.(MD)Nos.17387 and 17391 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)Nos.17387 and 17391 of 2020

and

W.M.P.(MD)Nos.14526 and 14530 of 2020

W.P.(MD)No.17387 of 2020:

Shri Ram Chandra Mission,
Thumbivadi Village,
Aravakuruchi Taluka,
Karur,
Represented by R.Govind

...Petitioner

Vs

- 1.The Commissioner
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.
- 2.The Additional Commissioner,
Hindu Religious and Charitable Endowments Department,
Trichy.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Karur.
- 4.Chairman and Board of Trustees of
Anuramman Payaragule Kalvi Samaya
Samuha Nala Trust,
S. F.No.27, Aanur Village,



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Thumbivadi Panchayat,
Aravakurichi Taluk,
Kaur District.

5.Chairman and Board of Trustees of
Arulmigu Janyankondamman,
Sengalapuram Village,
S.F.No.27, Aanur Village,
Thumbivadi Panchayat,
Aravakurichi Taluk, Karur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records and to quash the proceedings of the third respondent in Na.Ka.No.0585/2017/A1 dated 22.01.2018 in appointing the three trustees for the fourth respondent temple.

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SahajaNalvazhvu Sangam,
Aanur Village, Thumbivadi Panchayat,
Aravakuruchi Post,
Karur District,
Represented by its President,
C.Ganeshkumar

...Petitioner

Vs

1.The Commissioner
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.

2.The Additional Commissioner,
Hindu Religious and Charitable Endowments Department,
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3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Karur.

4.Chairman and Board of Trustees of
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Samuha Nala Trust,
S. F.No.27, Aanur Village,
Thumbivadi Panchayat,
Aravakurichi Taluk,
Kaur District.

5.Chairman and Board of Trustees of
Arulmigu Janyankondamman,
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... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records and to quash the proceedings of the third respondent in Na.Ka.No.0585/2017/A1 dated 22.01.2018 in appointing the trustees for the fourth respondent temple.

(In both Writ Petitions):

For Petitioner	: Mr.Karthik Ranganathan
For R-1 to R-3	: Mr.P.Subbaraj Special Government Pleader
For R-4 & R-5	: Mr.V.Srikanth for Mr.M.P.Senthil



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COMMON ORDER

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Heard the learned counsels on either side.

2. The Writ Petitions had been filed challenging the order of appointment of non hereditary trustees made by the third respondent.

3. The learned counsel for the petitioners would submit that the petitioner owns the lands adjoined to the subject temple and the erstwhile temple trustees had attempted to encroach upon the lands belonging to the petitioners. He would further submit that under the order impugned, the third respondent herein had appointed 3 unrelated persons to the subject temple as non hereditary trustees. He would further submit that the temple is not in use and is in a dilapidated condition. He would further submit that a further action has also been initiated to recover the temple properties from the petitioners herein which had been purchased by them from the original owners of the property. The trustees should only be appointed from within the locality concerned, rather than from far-away places. Therefore, he would submit that the impugned order should be set aside.



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4. Countering his arguments, the learned Special Government Pleader appearing for the respondents 1 to 3 would submit that a scheme had been framed in respect of the temple as early as in the year 2013 and 2014. Only based upon the said scheme, non hereditary trustees had been appointed. The period of office of the non hereditary trustees are of two years and thereafter further trustees have also been appointed and that, the same had not been challenged by the petitioner. Therefore, the petitioner's claim that unrelated persons have been appointed, and that only from the concerned locality should have been appointed, cannot be accepted. Since the appointments were made in accordance with the scheme, and the petitioner is merely a third-party to the scheme, cannot seek to challenge the same.

5. The learned counsel appearing for the respondents 4 and 5 would submit that the temple is managed pursuant to the scheme decree passed in O.A. No. 10 of 2013, on file with the Joint Commissioner of the HR and CE Department. The scheme remains in effect today, and appointments have been made strictly in accordance with its provisions. After passing the scheme decree, the first set of trustees were appointed



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in the year 2015 and thereafter new set of trustees have been appointed through the order impugned herein. For the further periods, trustees were appointed through proceedings dated 19.02.2022 and 27.04.2022. He would further submit that the civil suits were also pending with regard to the lands belonging to the temple in O.S.No.118 of 2018 and O.S.No.105 of 2018 before the Principal District Court, Karur and only to drag on the proceedings for recovering of the temple properties, the petitioner had filed this Writ Petition and therefore, he would submit that the Writ Petition is devoid of merits and is liable to be dismissed.

6. I have considered the submissions made on either side and perused the materials available on record.

7. A scheme has been framed in respect of the subject temple and the same has also been published in the manner known to law. As per the scheme decree, trustees have been appointed based upon the selection made by Sri Anuramman Vaira Kulathieva Education and Charitable Trust from the members of Kongu Velalar members belonging to Payarakulam of Kongu Vellalar community. It is not the case of the petitioner that the present trustees appointed through the impugned order



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do not belong to the said community. Since the appointments under the impugned order were made in accordance with the scheme, I find no grounds to interfere with the order challenged herein.

8. In fine, the Writ Petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18.12.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

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K.KUMARESH BABU, J.

Nsr

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