



W.P.(MD) No.18815 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.18815 of 2024

and

W.M.P.(MD)Nos.15914, 15916 & 15917 of 2024

K.Sangam

... Petitioner

Vs.

1.The Secretary to Government,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai.

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.

4.Neelamegam,
5.N.Natarajan,
6.M.Ravikumar,
7.Krishnamoorthy,
8.Muthukrishnan.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the respondents 1 and 3 and quash the impugned order passed by the third respondent in Se.Mu.Na.Ka.No.8678/2022/A1 dated 15.05.2023 and subsequent order passed by the first respondent in G.O.(P)No.294 dated 13.12.2023 and the consequential order passed by the third respondent in Se.Mu.Na.Ka.No.8678/2022/A1 dated 24.01.2024.

For petitioner : Mr.S.Madhavan

For respondents : Mr.P.Subbaraj
Special Government Pleader for R1 to R3
Mr.T.Balaji for R4 to R8

ORDER

Heard learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 to 3 and learned counsel for the respondents 4 to 8.

2. In these Writ Petitions, the petitioner has challenged the impugned order dated 15.05.2023, whereby three of the private respondents were appointed as Non-Hereditary Trustees and vide order dated 13.12.2023 and order dated



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24.01.2024 two of them were appointed, the Chairman nominated from among the private respondents No.4 to 8 have been notified.

3. The case of the petitioner is that the petitioner is entitled to be appointed as one of the members of the Board of Trustees of the subject Temple in terms of the Draft Scheme modifying earlier scheme in O.A.No.8 of 1976 dated 13.05.1982.

4. It is submitted that about 18 persons have filed appeal against the Draft Scheme in Appeal No.15/2024-D2, which is pending before the second respondent/Commissioner.

5. The learned Special Government Pleader for the respondents 1 to 3 would submit that pending disposal of the Appeal in A.P.No.15/2024-D2 before the Commissioner/second respondent, the Draft Scheme cannot be finalised and cannot be given effect to.



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6. It is submitted that the said Appeal is next listed for hearing on 19.08.2024.

7. It is submitted that these appointments have been made strictly in accordance with provisions that prevails as per the Scheme Decree in O.A.No.8 of 1976 dated 13.05.1982.

8. It is submitted that as long as since the Appeal is pending, the petitioner cannot be claim any right based on draft scheme.

9. Having considered the submissions made by the learned counsel for the petitioner and Special Government Pleader for respondents 1 to 3 as also the learned counsel for the private respondents 4 to 8, the Court is inclined to dispose of these Writ Petitions by directing the second respondent to dispose of A.P.No. 15/2024-D2 as expeditiously as possible preferably within a period of three months from today. Thereafter, the third respondent shall finalise the Draft Scheme immediately, subject to the final out come of the order to be passed by the second respondent in A.P.No.15-2024-D2.



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This Writ Petition is disposed of with above directions. No costs.

Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

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Internet : Yes / No

apd

To

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C.SARAVANAN, J.

apd/kkd

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