



W.P.(MD)No.19102 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.19102 of 2024

and

W.M.P.(MD)Nos.16158 and 16159 of 2024

1.C.Ganesan
2.C.Arumugam

... Petitioners

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Street, Thousand Lights,
Chennai – 600 034.
- 2.The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai – 625 016.
- 3.The Assistant Commissioner,
Office of the Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
B1 Road, Ellis Nagar,
Madurai – 625 016.
- 4.The Executive Officer,
Arulmigu Janakimariamman Temple,
Solavanthan,
Madurai District.



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5.The Inspector,
Hindu Religious and Charitable Endowments Department,
Arulmigu Meenatchi Amman Temple,
Thirumangalam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the entire records of the second respondent pertaining to the impugned proceedings in Se.Mu.Na.Ka.No.4049/2024/௮, 1 dated 01.08.2024 quash the same as illegal and consequentially quash the third respondent order in Na.Ka.No. 1847/2022/E3 dated 24.04.2023 by considering the petitioner's representation dated 24.11.2023 and directing the second respondent to conduct enquiry and take necessary action for appointing the petitioner as the hereditary trustee based on the petitioner's representation dated 27.12.2013 and 24.09.2014, within the stipulated time fixed by this Court.

For Petitioner : Mr.G.Sakthi Rao

For R-1 to R-3 : Mr.K.S.Selva Ganesan
and R-5 Additional Government Pleader

ORDER

This Writ Petition is filed challenging the order dated 24.04.2023, whereby the third respondent had denied permission to the petitioner for construction of building in the temple land and another order dated 01.08.2024, whereby the second respondent had appointed the fourth respondent as a fit



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person on the premise that the petitioner has constructed the buildings illegally on the temple lands.

2. It is submitted by the learned counsel for the petitioner that earlier the petitioner viz., C.Ganesan filed a Writ Petition in W.P.(MD)No.24956 of 2022 seeking to consider his explanation and grant permission to complete the construction work and this Court vide order dated 03.11.2022 had issued directions to consider the representation of the petitioner dated 18.05.2022 and 17.06.2022, whereby he claimed hereditary trusteeship. Pursuant to the order of this Court, the impugned order dated 24.04.2023 has been passed denying permission for the illegal construction and subsequently another impugned order dated 01.08.2024 has been passed appointing a fit person on the premise that the petitioner had constructed a house in the temple lands without permission, which adversely affects the interest of the temple.

3. It is submitted by the learned Additional Government Pleader for the respondent authorities that the above act of the petitioner would result in disqualification in terms of 26(1)(h) of the Hindu Religious and Charitable Endowments Act.



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4. The learned counsel for the petitioners would submit that no notice has been issued wherein it has been stated that the petitioners are disqualified. He would also submit that the petitioner's father viz., Chellaiah Pandaram was a hereditary trustee and he died leaving behind the petitioners and three others as legal heirs, out of which Subramanian already died and two others viz., Arumugam and Lakshmi had given no objection certificate. Thus, the learned counsel would further submit that the right to hereditary trusteeship is automatic.

5. At this juncture, the learned Additional Government Pleader on instructions would submit that notice regarding disqualification would be issued within a week and it is open to the petitioner to respond to the notice within a period of two weeks therefrom. On receipt of such reply, the appropriate authority would conclude the proceedings within a period of two weeks thereafter. The same is acceded to by the learned counsel for the petitioner.

6. Recording the same, this Writ Petition is disposed of with a direction to the respondent authorities to issue notice to the petitioner within a period of two weeks from the date of receipt of a copy of this order it is open to the petitioner



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to respond to the notice within a period of two weeks therefrom. On receipt of such reply, the appropriate authority shall conclude the proceedings within a period of two weeks therefrom. No costs. Consequently, connected miscellaneous petitions are closed.

10.09.2024

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

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Street, Thousand Lights,
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- 2.The Joint Commissioner,
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Hindu Religious and Charitable Endowments Department,
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MOHAMMED SHAFFIQ, J.

Nsr

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