



W.P.(MD)No.20907 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.20907 of 2024

and

W.M.P.(MD)No.17706 of 2024

Arulmigu Karpagavinayagar Thirukovil,
Represented by its Hereditary Trustees,
1.Adai.AT.PL.RM.RM.M.RM.Meyyappa Chettiar
2.RM.P.V.S.P.M.SP.Muthuraman Chettiar

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai.

3.VL.Ramanathan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned communication issued by the first respondent in his proceedings in Na.Ka.No. 5136/2021 Aa1 dated 13.08.2024 and quash the same as illegal, arbitrary and violation of the provisions of Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 and holding of inquiry rules.



W.P.(MD)No.20907 of 2024

For Petitioner : Mr.B.Saravanan
Senior Advocate
For Mr.RM.Arun Swaminathan

For R-1 and R-2 : Mr.K.S.Selva Ganesan
Additional Government Pleader

ORDER

This Writ Petition is filed challenging the impugned proceedings dated 13.08.2024 which was passed on the basis of the representation of the third respondent dated 08.12.2023, wherein certain allegations of mismanagement were made against the trustees of the petitioner temple and request was made *inter alia*

- a) to take action under Section 53 of HR and CE Act which deals with removal and suspension of a trustee;
- b) to take action under Section 78 and 79 of the Act, which deals with removal of encroachment;
- c) also to modify the scheme in O.A.No.74 of 1978.

2. Pursuant to the representation made by the third respondent, the impugned proceedings have been passed calling upon the trustees of the petitioner temple to appear before the first respondent along with requisite documents on 27.08.2024.



W.P.(MD)No.20907 of 2024

WEB COPY

3. The learned counsel for the petitioner would submit that any modification of a scheme would have to be in compliance with the mandate of Section 64(5) of the Act which *inter alia* requires consultation with the trustees and any action under Section 53 of the Act for removal or suspension of a trustee in respect of the petitioner temple which falls under Section 46(iii) of the Act would have to be decided by the Government and any requirement for furnishing of documents would be circumscribed by restrictions/limitations under Section 33 of the Act.

4. The learned Additional Government Pleader for the respondents 1 and 2, on the basis of the written instructions would submit that they are in receipt of the representation and they only intend to conduct an enquiry on the above representation. As of now, they do not propose to invoke Section 64(5) or 53 of the Act and that, it is open to the petitioner to submit a representation with regard to request of furnishing of documents by placing reliance upon the scope and ambit of Section 33 of the Act which would be examined and a fresh notice would be issued, if necessary, after hearing the petitioner.



W.P.(MD)No.20907 of 2024

5. Recording the same, it is open to the petitioner to respond to the impugned notice. If any such representation is filed, the same shall be considered and orders shall be passed, before calling upon the petitioner to produce the documents. It is also open to the respondent authorities to act in accordance with law.

6. This Writ Petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

03.09.2024

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

To:

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai.



WEB COPY



W.P.(MD)No.20907 of 2024

MOHAMMED SHAFFIQ, J.

Nsr

W.P.(MD)No.20907 of 2024

03.09.2024