



WP(MD)No.22766 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.22766 of 2023

and

W.M.P.(MD)Nos.19020, 19021 & 19382 of 2023

Balasubramanian

... Petitioner

/Vs./

- 1.The Commissioner,
Department of Hindu Religious and Charitable Endowments,
Secretariat, St. George Fort,
Chennai - 9.
- 2.The Commissioner,
Department Revenue Administration,
Secretariat, St. George Fort,
Chennai - 9.
- 3.The District Collector,
Dindigul District, Dindigul.
- 4.The Joint Commissioner,
Department of Hindu Religious and Charitable Endowments,
Dindigul District, Dindigul.
- 5.The Assistant Commissioner,
Department of Hindu Religious and Charitable Endowments,
Dindigul District, Dindigul.



WP(MD)No.22766 of 2023

- 6.The Inspector,
Department of Hindu Religious and Charitable Endowments,
Dindigul District, Dindigul.
- 7.The District Committee,
Department of Hindu Religious and Charitable Endowments,
Dindigul District, Dindigul.
- 8.The Inspector of Police,
Koompur Police Station,
Vedasandur Circle Police Station,
Dindigul District.
- 9.Iyanar
10.Gunasekaran
11.Jegadesan
12.Velumani
13.Saravanan
14.Thangavel

... Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pursuant to the impugned order dated 18.08.2023 passed by the 5th respondent in his proceedings Sa.Mu.Na.Ka.No.771/2023-34/A2 and quash the same as illegal and consequently direct the 5th respondent to appoint hereditary trustees by following the procedure contemplated under section 49 (1) of the Hindu Religious Endowment Act 1959.

For Petitioner	:	Mr.C.Vakeeswaran
For Respondents	:	Mr.K.S.Selvaganesan (R1 to R7) Additional Government Pleader Mr.Vaikkam Karunanithi (R8) Government Advocate Mr.R.G.Shankar Ganesh (R10 - R12 & R14)

ORDER

This writ petition has been filed challenging the impugned order dated

18.08.2023, whereby one V.Gunasekaran, was appointed as non-hereditary trustee.

<https://www.mhc.tn.gov.in/judis>



WP(MD)No.22766 of 2023

2. Heard the learned counsel on either side.

WEB COPY

3. The learned counsel appearing for the petitioner submitted that the petitioner had filed an application before the Joint Commissioner under Section 63 (b) of the Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as “Act” for the sake of brevity) for declaring them as hereditary trustees in OA No.41 of 2023. It is also submitted that another application in OA No.40 of 2023 was filed by V.Gunasekaran, who was appointed as non-hereditary trustee vide the impugned order, dated 18.08.2023, with four others, for framing a scheme for administration of the subject temple under Section 64 of the Act before the Joint Commissioner.

4. The learned Additional Government Pleader appearing for the respondents would submit that both the applications filed under Sections 63 (b) and 64 of the Act would be taken up together and orders will be passed in both applications within a time frame to be fixed by this Court, which was agreed to by the learned counsels for the petitioner and private respondents.

“5. In view thereof, the impugned order passed by the fifth respondent dated 18.08.2023 is set aside and this Court directs the official respondents to dispose of the aforesaid original applications, on merits and in accordance with law, after issuing notice to all the interested parties including the petitioner and the private



WP(MD)No.22766 of 2023

WEB COPY

respondents, within a period of twelve weeks from the date of receipt of a copy of this order. Since a fit person has already been appointed as early as on 19.12.2019, he shall continue to manage the affairs of the subject temple. If the petitioner has any further grievance, he is at liberty to approach the fourth respondent for redressal, in the manner known to law."

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

(*)Replaced as per the order of this court dated 23.09.2024 made in WP(MD).No.22766 of 2023.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/10/2024

Sub Assistant Registrar()

sm

To:

To be substituted to the order which is already despatched on 13.09.2024

1.The Commissioner,

Department of Hindu Religious and Charitable Endowments,

Secretariat, St. George Fort,

Chennai - 9.



WP(MD)No.22766 of 2023

- 2.The Commissioner,
Department Revenue Administration,
Secretariat, St. George Fort,
Chennai - 9.
- 3.The District Collector,
Dindigul District, Dindigul.
- 4.The Joint Commissioner,
Department of Hindu Religious and Charitable Endowments,
Dindigul District, Dindigul.
- 5.The Assistant Commissioner,
Department of Hindu Religious and Charitable Endowments,
Dindigul District, Dindigul.
- 6.The Inspector,
Department of Hindu Religious and Charitable Endowments,
Dindigul District, Dindigul.
- 7.The District Committee,
Department of Hindu Religious and Charitable Endowments,
Dindigul District, Dindigul.
- 8.The Inspector of Police,
Koompur Police Station,
Vedasandur Circle Police Station,
Dindigul District.
- 9 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-50047[F] dated 09/09/2024)

+1 CC to M/s.SPL.GP (SR-50407[F] dated 10/09/2024)

+1 CC to M/s.R.G.SHANKAR GANESH, Advocate (SR-50324[F] dated 10/09/2024)



WEB COPY



WP(MD)No.22766 of 2023

W.P.(MD)No.22766 of 2023

09.09.2024

⁼
MK/13.09.2024 6P/13C

MK/16.10.2024 6P/13C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023