



W.P.(MD) No.26101 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD) No.26101 of 2023

V.Karunanithi

...

Petitioner

-vs-

1.The Commissioner,
Hindu Religious and Charitable Endowments Board,
Uthamar Gandhi Road,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Sivagangai Division,
Sivagangai

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Sivagangai Division,
Sivagangai.

4.K.Thilakavathi

5.K.Rajaram

6.Rajangam Nagalingam

7.P.Saravanakumar

...

Respondents



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(R-5 to R-7 are impleaded vide Court Order,
dated 28.08.2024, in W.M.P.(MD) No.7830/2024)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the orders passed by the 3rd respondent under Se.Mu.Na.Ka.No.3145/2023/A5, dated 27.09.2023, and to quash the same as illegal and direct the respondent to consider the representation, dated 10.10.2023, for the purpose of formulating Temple Committee to the Vaniyankudi Arulmigu Annai Sri. Veeramahakali Amman Temple, Sivagangai District, as trustee on the basis of the existing trust under the name and style "Annai Kulanthapuri @ Veeramahakaliamman devotees Trust" registered with the Joint SRO No.2 Sivagangai as Doc. No.2 of 2022.

For Petitioner : Mr.K.R.Laxman

For Respondents 1 to 3 : Mr.K.S.Selvaganesan,
Addl.Govt.Pleader.

For Respondent 4 : Mr.E.M.Sudarsananachiappan,
Senior Counsel,
for Mr.A.L.Vijeydevaran

For Respondents 5 to 7 : No appearance



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ORDER

This Writ Petition has been filed, challenging the order of appointment of fourth respondent as a Trustee of Arulmigu Annai Sri. Veeramahakali Amman Temple, Sivagangai District, in terms of Section 49 and 47 of the Hindu Religious and Charitable Endowments Act.

2. Several grounds have been raised by the petitioner against the appointment of fourth respondent as the Trustee, stating that she is not entitled to continue as a Trustee.

3. It is relevant to note that though initially there was a stay order granted by this Court in favour of the petitioner against the impugned order, the same stood vacated vide the subsequent order, dated 14.12.2023.

4. Presently, it is not in dispute that fourth respondent is functioning as a Trustee of the petition mentioned temple.

5. After submitting for a brief while, it is pointed out by the learned counsel for the respondents that the appropriate remedy for the petitioner could be under Section 53 of the Act, to which learned counsel for the petitioner would submit that the petitioner may be granted liberty to approach the appropriate authority under Section 53 of the Act.



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6. Recording the above submission, this Writ Petition is closed, granting liberty to the petitioner, as above. Petitioner is at liberty to place all material in support of his application under Section 53 of the Act. No costs. Consequently, the connected W.M.P.(MD) Nos.22460 and 22461 of 2023 are closed.

22.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

dixit

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MOHAMMED SHAFFIQ, J.

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