



W.P.(MD) No.28881 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.28881 of 2024

1.M.Murugappan

2.A.Subramanian

... Petitioners

/vs./

The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Pudukkottai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the Impugned Order passed by the respondent in Na.Ka.No.447/2023/A1 dated 01.10.2024 and quash the same and consequently directing the respondent to appoint the petitioners as Trustees of the Arulmigu Meenakshi Chokkalingeswarar Temple, Venthanpatti under its Scheme within the stipulated by this Court.

For Petitioners : Mr.RM.Arun Swaminathan



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For Respondent : Mr.P.Subbaraj
Special Government Pleader

ORDER

The petitioners challenge the order passed by the respondent herein on 01.10.2024 indicating that the appointment of trustees to Arulmigu Meenakshi Chokkalingeswarar Temple, Venthampatti village would be made after the receipt of the names of panels from the District Committee.

2. The learned counsel for the petitioners would vehemently contend that the appointment of a trustee is governed by a Scheme framed by the Deputy Commissioner in O.A.No.73 of 1979 dated 05.06.1982. When that be so, there is no necessity for referring the matter to the District Committee for appointment of the trustees to the temple and the Assistant Commissioner ought to have appointed the trustees as per the Scheme.

3. At this juncture, the learned Special Government Pleader for the respondent, on instructions, would submit that even though such a communication was issued by the respondent, by a further communication dated 16.10.2024, the respondent had nominated 3 trustees from each of the group and



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had referred the matter to the Government for appointment of the remaining 2 trustees recommending their names. Hence, once the Government issues the Order appointing the recommended persons, the Trust Board would be liable to bind the same.

4. Admittedly, a Scheme had been framed for the temple in the year 1982. A reading of the Scheme indicates that the temple had been managed by 6 groups belonging to the Nagarathar community of Venthanpatti village. Under the Scheme, it was directed to appoint 5 trustees each from one group and the left out group would be given priority in the next term of appointment. When that is the dictate of the Scheme, the Assistant Commissioner should only follow the Scheme and cannot follow a different procedure as has been done in the communication dated 16.10.2024.

5. For the aforesaid reasons, the order impugned herein dated 01.10.2024 and also the further communication of the respondent to the Government dated 16.10.2024 are to be held as running contrary to the Scheme. In such event, both the said communications are set aside with a direction to the respondent to



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appoint the trustees to the temples in accordance with the Scheme dated 15.06.1982. Such exercise shall be made by the respondent within a period of 8 weeks from the date of receipt of a copy of this order.

6. In fine, the Writ Petition stands allowed. However, there shall be no order as to costs.

Index : Yes / No
Internet : Yes / No
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To

The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Pudukkottai.



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K.KUMARESH BABU, J.

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