

W.P.Nos.938, 941 & 2219 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2025

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. Nos.938, 941 & 2219 of 2020

and

W.M.P.Nos.1131, 1132, 1136 & 2595 of 2020

G.A.Trust

Represented by its

Managing Trustee,

Mr.S.Raamasubramanian

No.31, Sadaippan Street,

Mandaveli, Chennai – 600 028.

... Petitioner in W.P.Nos.938
& 941/ 2020

Rayan Narayan

... Petitioner in W.P.No.2219/ 2020

-Vs-

1. The State of Tamil Nadu,
Represented by its
Secretary to Government
Department of Hindu Religious &
Charitable Endowments,
Fort St. George, Chennai – 600 009.

2. The Commissioner,
Department of Hindu Religious &
Charitable Endowments,
Nungambakkam, Chennai- 600 009.

3. The Joint Commissioner,
Department of Hindu Religious &
Charitable Endowments,
Villupuram.

... Respondents in all Petitions



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4. Mr.Senthilvelavan

Joint Commissioner,
Department of Hindu Religious &
Charitable Endowments,
Villupuram.

... Respondent in
W.P.Nos.938 & 941/ 2020

4. G.A.Trust

Represented by its
Managing Trustee,
Mr.S.Raamasubramanian
No.31, Sadaiappan Street,
Mandaveli, Chennai – 600 028.

... Respondent in W.P.No.2219/ 2020

Prayer in W.P.No.938/ 2020:- Writ Petitions filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the third respondent in his proceedings in O.A.No.3 of 2008 and quash the order dated 11.12.2019 (signed on 31.12.2019) and quash the same.

Prayer in W.P.No.941/ 2020:- Writ Petitions filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the third respondent in his proceedings in Na.Ka.No.10132/2018/E2 dated 09.01.2020 and quash the same.

Prayer in W.P.No.2219/2020:- Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to implement the order of the third respondent in Na.Ka.No.10132/2018/E2 dated 09.01.2020 under the provisions of the Hindu Religious and Charitable Endowments Act, within a stipulated time.



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For Petitioner in
W.P.Nos.938 & 941/2020 : Mr.S.Parthasarathy
for Mr.C.Ramesh

For Petitioner in
W.P.No.2219/2020 : Mr.C.S.Dhanasekaran

For Respondents in
W.P.Nos.938 & 941/2020 : Mr.K.Karthikeyan
Government Advocate
for R1 to R3
: No Appearance for R4

For Respondent in
W.P.No.2219/2020 : Mr.K.Karthikeyan
Government Advocate
for R1 to R3
: Mr.S.Parthasarathy
for Mr.C.Ramesh

COMMON ORDER

These Writ Petitions have been filed to direct the respondents 1 to 3 to implement the order of the third respondent in Na.Ka.No.10132/2018/E2 dated 09.01.2020 under the provisions of the Hindu Religious and Charitable Endowments Act, within a stipulated time and also to quash the proceedings in Na.Ka.No.10132/2018/E2 dated 09.01.2020 and O.A.No.3 of 2008 dated 11.12.2019 (signed on 31.12.2019).

2. The learned counsel for the petitioner in W.P.Nos.938 & 941 of 2020 submitted that the petitioner/Trust was created by way of a deed of declaration of Trust dated 22.04.1982 by Swami Haridhos Giri, who was



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the disciple of Swami Gnanananda Giri of Tapovanam near Tirukkivilur.

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The predominant object of the Trust was to serve for the downtrodden, such as feeding for the poor, running hospitals, etc., and also to promote Namasankeertan for revival of Hindu Culture. Subsequently, a scheme was framed in O.A.No.3 of 2008 by order dated 24.02.2020 by the Joint Commissioner of Chennai under Section 64 (1) of HR & CE Act with the respect to Sri Panduranga Rukmayee Temple and its property. While so, one Arun Kumar S/o. Balakrishnan who was assisting Guru Paduka Poojas at Thennagur Village and took Sanyasa Deeksha on 19.01.2011 and came to be known as Swami Niranjanaanda Giri. On 07.04.2013, Swamy Niranjanaanda Giri also inducted as a Trustee in the petitioner's Trust and later, he informed other Trustees that he is going to Himalayas for service and he never returned up and there is no further communication from him. In the meanwhile, the other Trustees informed that Niranjanaanda Giri had gone to London, along with one Darshna Sridhar in the year 2018 itself. While so, the petitioner in W.P.No.2219 of 2020 made a fictitious complaint as against the petitioner/Trust in W.P.Nos.938 & 941 of 2020 before the third respondent and the third respondent entertained the complaint, without any authority and passed the impugned order dated 11.12.2019 and the consequential order dated 09.01.2020. Challenging the



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same, the present writ petitions are filed.

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3. The learned counsel for the petitioner in W.P.No.938 & 941 of 2020 submitted that the Trust filed an explanation pursuant to the complaint made by Rayan Narayan, who is the petitioner in W.P.No.2219 of 2020. However, no personal enquiry was conducted and the final order came to be passed without even furnishing a copy of the Complaint to the petitioner. It is a clear violation of principle of natural justice and therefore, this Court may set aside the impugned order and remand the matter back to the third respondent for fresh consideration.

4. The learned counsel appearing for the petitioner in WP.No.2219 of 2020 has no serious objection for remand of the matter.

5. In view of the above, the Writ Petition filed by the Trust/**W.P.Nos.938 & 941 of 2020 are allowed** by setting aside the impugned order, only for the limited purpose of complying with the principles of natural justice. The third respondent is directed to consider the case of the petitioner/Trust, Rayan Narayan and other aggrieved parties, if any, conduct enquiry by affording an opportunity of personal hearing to



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them and thereafter, pass appropriate orders, as early as possible, but not

later than twelve weeks from the date of receipt of a copy of this order.

6. It is made clear that in view of the disposal of those writ petitions, the earlier direction dated 18.10.2024 issued to the CBI for recording the statement of Swamiji is hereby recalled.

Accordingly, W.P.Nos.938 & 941 of 2020 are allowed and W.P.No.2219 of 2020 is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

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Index : Yes/No

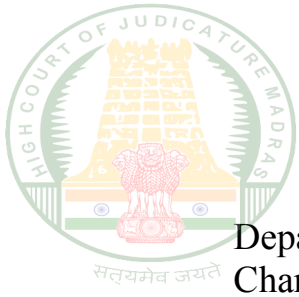
Speaking/Non-speaking order

To

1. The State of Tamil Nadu,
Represented by its
Secretary to Government
Department of Hindu Religious &
Charitable Endowments,
Fort St. George, Chennai – 600 009.

2. The Commissioner,

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W.P.Nos.938, 941 & 2219 of 2020

Department of Hindu Religious &
Charitable Endowments,
Nungambakkam, Chennai- 600 009.

3. The Joint Commissioner,
Department of Hindu Religious &
Charitable Endowments,
Villupuram.

M.DHANDAPANI. J.,

dh



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