



W.P.No.8237 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.8237 of 2025
and W.M.P.No.9240 of 2025

Arulmigu Boomi Neela Devi Sametha
Varadharaja Perumal Thirukovil,
Rep. by its Managing Committee President
A.Nagarajan

.. Petitioner

Versus

1. The Joint Commissioner,
Hindu Religious & Charitable Endowments
Department,
Commercial Tax Building, Ground Floor,
Dr.Balasundaram Salai, Coimbatore Central,
Coimbatore - 641 018.

2. The Assistant Commissioner,
Hindu Religious & Endowment Board,
Coimbatore District.

3. The Executive Officer,
A/m Mariamman Thirukovil,
Gandhipuram, Coimbatore,



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Now appointed as Fit person in
Arulmigu Boomi Neela Devi Sametha
Varadharaja Perumal Thirukovil
Papanaickenpudur, Marudhamalai Road,
Coimbatore - 641 041.

.. Respondents

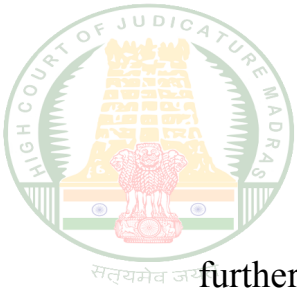
Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned communication, dated 26.02.2025 issued by the 3rd respondent and to quash the same as arbitrary and against principle of Judicial Discipline and further direction to the respondents not to disturb the management of the temple, Arulmigu Boomi Neela Devi Sametha Varadharaja Perumal Thirukovil, Papanaickenpudur, Marudhamalai Road, Coimbatore, pending the final decision in the application under Section 64(1) of the Act.

For Petitioner : Mr.S.C.Vishwanth

For Respondents : Mr.N.R.R.Arun Natarajan,
Special Government Pleader
(HR & CE)

ORDER

This Writ Petition is filed for a Certiorarified Mandamus calling for the records relating to the impugned communication, dated 26.02.2025 issued by the third respondent and to quash the same as arbitrary and to



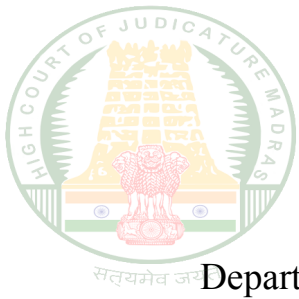
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further direct the respondents not to disturb the management of the temple namely, Arulmigu Boomi Neela Devi Sametha Varadharaja Perumal Thirukovil, Papanackenpudur, Marudhamalai Road, Coimbatore pending final decision in the application under Section 64(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

2. The grievance of the petitioner is that the applications are filed to frame a scheme and all are pending with the first respondent for a long time. In the meanwhile, even though a fit person was appointed long ago, it is only the petitioner trust which is managing the affairs of the temple in all respects and the temple has been duly maintained. On the one hand, the respondents are keeping the applications to frame a scheme pending and now, by the impugned order, they are seeking to take charge and hand it over to the fit person and hence, the present Writ Petition.

3. Per *contra*, learned Special Government Pleader (HR & CE

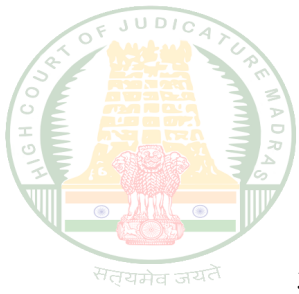


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Department) for the respondents would submit that in the year 2009, an application for framing of scheme was filed and the same was dismissed for default. Thereafter, an application was filed to restore the same and the same is pending. Yet another application was filed to frame the scheme and that is also pending. When the fit person has been appointed long back, the charge cannot be refused by the petitioner. If the petitioner co-operates, all the applications for framing the scheme, restoration of earlier application etc., will be taken up expeditiously.

4. It can be seen that the order, originally appointing the fit person, is not under challenge. Therefore, in the instant case, the petitioner cannot contend that they will not hand over the charge of the temple at all. Needless to mention that if a scheme is framed and the petitioner is again continued as trustee, the charge will be duly handed over back to the petitioner.



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5. In view thereof, this Writ Petition is disposed of on the following terms:-

(i) The applications that are made by the petitioner for restoring the application under Section 64(1) of the Act and also the subsequent application made, shall be considered as expeditiously as possible and in any event, final orders in accordance with law, shall be passed within a period of 12 weeks from the date of receipt/production of a web-copy of this order without waiting for a certified copy of this order;

(ii) Needless to mention that in the meanwhile, the petitioner has to handover the charges to the fit person and if the petitioner succeed in their prayer, they will again be put back in charge of the temple concerned;

(iii) There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Neutral Citation : no
grs



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