



W.P.(MD)No.2505 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.2505 of 2024

and

W.M.P.(MD)Nos.2497, 2498 and 2499 of 2024

Sri.Vararoliswarar Nagara Vairava Swamy Devasthanam,
Represented through its Managing Trustee,
C.Ravi Ramasamy Chettiar

...Petitioner

Vs

1.The Secretary to the Government,
Government of Tamil Nadu,
Department of Tourism, Culture and Hindu Religious Department,
Secretariat,
Chennai.

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai – 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Muthusamy Nagar,
Sivagangai – 630 501.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned orders passed by the second respondent in Se.Mu.Na.Ka. No.63984/2023-1/A2 dated 17.11.2023 and



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impugned appointment order passed by the first respondent vide GO Ms. No.298 Tourism, Culture and Endowment (End-3-1) Department dated 19.12.2023 and consequent order issued by the second respondent in Na.Ka. No.63984/2023/A2 dated 09.01.2024 and quash the same and consequently directing the second respondent to appoint balance two Non-Hereditary Trustees based on the application dated 11.12.2022 from the Viaravanpatti Nagarathar Clan u/s. 47(ii) of the HR & CE Act.

For Petitioner : Mr.R.M.Arun Swaminathan

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

Heard Mr.R.M.Arun Swaminathan, learned counsel for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader for the respondents.

2. The challenge in the Writ Petition is to the order of appointment of trustees under the provisions of the Hindu Religious and Charitable Endowments Act in violation of the scheme framed by the Deputy Commissioner of HR and CE Department in O.A.No.21 of 1985 dated 09.05.1986.



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3. As per the scheme decree, the trustee shall be appointed from the members of Nattukottai Nagarathar community of Vairavan Kovil and the period of term of office of such selected trustees was for the period of 3 years. Based upon the said Scheme Decree, the community has nominated 5 persons to be appointed as trustees by the appropriate authority by its communication dated 11.12.2022, followed with a reminder dated 01.04.2023. However, the second respondent through proceedings dated 17.11.2023, appointed 3 trustees out of the list given by the petitioner and forwarded the remaining names to the Government for their appointment as nominees. The procedure followed by the respondents 1 and 2 is contrary to the Scheme Decree. Considering the period of office of the trustees appointed under the said two communications impugned in this Writ Petition almost came to end, this Court is not inclined to interfere with the same in the peculiar facts of the case.

4. However, it is made clear that whenever the petitioner makes a nomination to the appropriate authority, the authority shall strictly adhere to the Scheme Decree dated 03.07.1986 and appoint the nominated persons as trustees to the Temple, permitting them to occupy the



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trusteeship in accordance with the terms of the Scheme Decree. It is further directed as and when such nomination for appointment of trustees are made, the second respondent shall pass orders within a period of eight weeks from date of such nomination.

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

22.01.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The Secretary to the Government,
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Department of Tourism, Culture and Hindu Religious Department,
Secretariat,
Chennai.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
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Nsr

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