



W.A(MD) No.698 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 21.02.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.A(MD) No.698 of 2022
and
C.M.P.(MD)No.5865 of 2022

1.Suresh Kumar

2.K.Subramani

3.K.Thangavel

4.A.Perumal

5.S.Ramasamy

6.Ponnusamy

7.S.Krishnan

8.C.Sekar

9.G.Vijay Kumar

10.C.Parthiban

11.P.Chidambaram

12.Gunasekaran

... Appellants / Petitioners

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Vs

1.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Karur Town, Karur District.

2.The Fit Person / Inspector,
Hindu Religious and Charitable
Endowments Department,
Arulmigu Vanniamman Temple,
Minnampalli Village,
Karur Taluk,
Karur District.

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 22.04.2022 passed in W.P. (MD)No.23015 of 2019 on the file of this Court and thereby allow this appeal.

For Appellant : Mr.Ms.J.Anandhavalli

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1

: Mr.P.Aathimoolapandian for R2



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ORDER

WEB COPY (Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The appellant and others filed W.P.(MD)No.23015 of 2019 questioning the order dated 13.06.2013 passed by the Assistant Commissioner of HR & CE Department, Karur appointing the fit person for the petition mentioned temple. The learned single Judge dismissed the writ petition vide order dated 22.04.2022. Challenging the same, this intra-court appeal has been filed.

3. As rightly pointed out by the learned counsel appearing for the appellant, the impugned order dated 13.06.2013 is vitiated by non-application of mind. In the subject column, it is mentioned that the petition mentioned temple is a listed temple. If that be so, the assistant commissioner will not have the jurisdiction to pass an order. It is seen and it was also observed by the learned single Judge that the petition mentioned temple is an unlisted temple. The learned counsel for the appellants would then argue that the impugned order has to go on the ground of violation of principles of natural justice.



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4. It is well settled that when an incumbent is sought to be displaced by appointing a fit person, it has to be preceded by notice. But then, it is pointed out by the learned Special Government Pleader that for the petition mentioned temple, already non-hereditary trustees were appointed. It was also questioned by the petitioner herein. Thus, there is nothing on record to show that the petitioner was at the helm of affairs when the impugned order dated 13.06.2013 was passed. Therefore, the petitioner cannot invoke the principles of natural justice. We are not inclined to interfere with the order passed by the learned single Judge. However, there is merit in the appellant's counsel's request that O.A.No. 13 of 2010 on the file of the Joint Commissioner of HR & CE Department, Trichy has to be disposed of expeditiously. It is seen that O.A. filed by the appellant and others seeking declaration of hereditary status as trustees was filed way back in the year 2010. It is unfortunate that it has been kept pending for 15 long years. We, therefore, direct the Joint Commissioner, Trichy to dispose of O.A.No.13 of 2010 filed by the appellants on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.



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5. The writ appeal is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (M.J.R., J.)
21.02.2025

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

rmi

To

The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Karur Town, Karur District.



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