



W.P.(MD) No.23719 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.23719 of 2023

and

W.M.P.(MD) No.20000 of 2023

C.Muniyappan

.. Petitioner

Vs.

- 1.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Virudhunagar.
- 2.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Srivilliputhur, Virudhunagar District.
- 3.Arulmigu Kammalakaruppasamy Temple,
Rep., by its Thakkar,
Watrap, Virudhunagar District.
- 4.Kammalan Paripalana Trust,
Watrap,
Rep., by its Managing Trustee,
Having its registered Office at
V.P.Street, Watrap, Srivilliputhur Taluk,
Virudhunagar District.



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5.Veeramani

6.Gomathi

7.K.Sethuraman

8.P.Marimuthu

9.P.Ramraj

10.N.Balakrishnan

11.R.Subramanian

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration, to declare the entire process pursuant to notice dated Nil issued by the 3rd respondent needs to be declared null and void and consequently issue directions to the respondents 1 to 3 herein to appoint new non-hereditary trustees for Arulmigu Kammala Karuppasamy Temple, Watrap Taluk, Virudhunagar District by strictly adhering the confirmed scheme for the temple in O.A.No.10/1987 dated 29.01.1988 within the time limit to be stipulated by this Court.

For Petitioner : Mr.S.Sumesh

For R1 & R2 : Mr.P.Subbaraj
Special Government Pleader

For R3 : Mr.P.Mahendran

For RR4 to 6 & 8 : Mr.P.Ganapathi Subramanian



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For RR9, 10 & 11 : No appearance

Respondent-7 : Refused

ORDER

This writ petition has been filed seeking for a declaration to declare that the notification issued by the third respondent for calling upon persons interested to attend his office for appointment of non-hereditary trustees as per a scheme as null and void and to direct respondents 1 to 3 to appoint new non-hereditary trustees as per the scheme framed in O.A.No.10 of 1987, dated 29.01.1988.

2. When the matter was taken up for hearing on the previous occasion, learned counsel appearing for the petitioner as well as the learned counsel appearing on behalf of the private respondents had disputed the persons who would be eligible to vote and contest the elections. Hence, this Court by its order dated 02.01.2025 had directed the learned counsel appearing for the petitioner as well as the learned counsel for the private respondents to furnish the list of voters. The time was extended on 09.01.2025 till to date.



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3. Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioner had produced list of 199 families and also indicating the number of eligible voters in each of the said families. According to him, there are about 537 total eligible voters of the Kammalar community residing in Watrap Village, who would be entitled to vote for the appointment of the trustees as per the scheme. The same was also acknowledged by the learned counsel appearing for the private respondents, however with a rider that if the entire list is published, they would be aware of any ineligible voters. The learned counsel appearing for the petitioner as well as the learned counsel for the private respondents would submit that even if an Advocate Commissioner is appointed to conduct the election, they would be willing to bear the cost that would be incurred in that aspect. The official respondents cannot have any grievance in appointing an Advocate Commissioner to conduct the election, as what is required to be made is a transparent election. In view of the same, this Court appoints Mr.P.Athimoolapandian, Advocate (Enrl.No.1619/2001, No.30 L.C., High Court, Madurai-23; Cell No.



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94438 55090) as Advocate Commissioner. The petitioner shall furnish the list of the names of the eligible voters in each of the family to the Advocate Commissioner appointed by this Court within a period of two weeks from today and thereafter, the same shall be published by the learned Advocate Commissioner in a notice board of the temple calling for any objections in respect of the voters list published within a period of two weeks and thereafter, finalise the list of eligible voters within a period of 10 days and conduct the election within a further period of four weeks. The Advocate Commissioner shall also be assisted by the Fit Person appointed in the conduct of election. If required, the Advocate Commissioner shall also take the assistance of the Jurisdictional police. The Advocate Commissioner shall be entitled to a fees of Rs.2,00,000/- (Two Lakhs Rupees only) for executing the work.

4. With the aforesaid directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.



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5. Registry is directed to mark a copy of this order to the Inspector of Police, Watrap Police Station, Watrap, Srivilliputhur.

20.01.2025

Note: Issue order copy by 23.01.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

- 1.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Virudhunagar.
- 2.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Srivilliputhur, Virudhunagar District.



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K.KUMARESH BABU, J.

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