



W.P.(MD).No.137 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.137 of 2025

and

W.M.P.(MD)No.147 of 2025

1. K.Karuppaiah

2. Manimegalai

3. Muthu Kumar

4. Kanagaraj

5. Babu

...Petitioners

Vs

1.The Joint Commissioner,
HR and CE Department,
No.60, Muthusamy Nagar,
Sivagangai - 630 561.

2.The Fit Person,
Arulmighu Koppudaiya Nayagi Amman Temple,
Karaikudi,
Sivagangai District.

3.The Executive Officer,
Arulmighu Koppudaiya Nayagi Amman Temple,
Karaikudi,
Sivagangai District.

... Respondents



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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 order passed by the first respondent herein in his impugned proceedings in अ.प्र.प.व.सं. 4971/2024/21 dated 23.10.2024 and quash the same as illegal and further directing the second respondent herein to number the petitioners application filed under Section 64(5) of the Act 22 of 1959 for modification of the scheme framed for Arulmighu Koppudaiya Nayagi Amman Temple, Karaikudi vide Judgment in AS Nos.116 and 117 of 1956 dated 24.12.1959 in tune with the provisions of HR and CE Act, 1959 and then proceed to appoint the Board of Trustees as per the modified scheme at the earliest possible time to be fixed by this Court.

For Petitioner : Mr.S.Vashik Ali

For R-1 : Mr.P.Subbaraj
Special Government Pleader

ORDER

Heard Mr.S.Vashik Ali, learned counsel for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader for the 1st respondent.



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2. This Writ Petition has been filed challenging the order passed by the first respondent dated 23.10.2024 and further directing the second respondent herein to number the petitioners application filed under Section 64(5) of the Act 22 of 1959 for modification of the scheme framed for Arulmighu Koppudaiya Nayagi Amman Temple, Karaikudi vide Judgment in AS Nos.116 and 117 of 1956 dated 24.12.1959 in tune with the provisions of HR and CE Act, 1959 and then proceed to appoint the Board of Trustees as per the modified scheme.

3. The order impugned herein is the order of rejection of the application filed by the petitioners for modification of the scheme. The first respondent had rejected the same on the ground that already a scheme had been framed in respect of the said temple and therefore there is no scope for any enquiry on the said application.

4. It is to be noted that Section 64 of HR and CE Act also enables the first respondent herein to modify or alter the scheme. The said power is also vested with the first respondent under Section 64(5)(a) of HR and CE Act.



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5. The learned Special Government Pleader appearing for the first respondent would submit that the temple is not in the management of the second respondent fit person and it is being managed by 3 trustees appointed in the month of August 2024.

6. Considering the fact that the first respondent has power to modify the said scheme, the impugned order is set aside and the matter is remitted back to the first respondent to consider the claim of the petitioner as provided under Section 64(5) of the Act, within a period of six months from the date of receipt of a copy of this order. It is made clear that the first respondent shall also put on notice the trustees who are in the management of the trust and also any other interested persons in the said process.

7. In fine, the Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.01.2025

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



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K.KUMARESH BABU, J.

Nsr

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