

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

W. P. No. of 2020

T R Ramesh
Flat 3B, Nataraj Apartments
17 D'Silva Road, Mylapore,
Chennai 600 004

...Petitioner

Versus

1. The State of Tamil Nadu
Rep. by its Secretary,
Department of Tourism, Culture and
Religious Endowments Department,
Secretariat, Fort St. George,
Chennai 600 009

2. The Commissioner
Hindu Religious & Charitable
Endowments Department
119, Uthamar Gandhi Road,
Nungambakkam
Chennai – 600 034

...Respondents

COMMON AFFIDAVIT OF THE PETITIONER

I, T. R. Ramesh, son of Dr. T.N. Ramachandran, Hindu, aged about 57 years, residing at Flat 3B, Nataraj Apartments, 17 D'Silva Road, Mylapore, Chennai, 600004, do hereby solemnly affirm and sincerely state as follows: -

1. I am the Petitioner herein and I am well acquainted with the facts of the case.
2. I respectfully submit that, I am filing the present writ petition challenging the reply issued by the 2nd Respondent dated 18.11.2017, refusing to act upon the illegal and unauthorized presence and functioning of various Executive Officers of the Hindu Religious and Charitable Endowments Department, without valid, legally permissible orders appointing them at

various temples in Tamil Nadu, in the facts and circumstances stated hereunder:

1. Preliminary

3. I respectfully submit that I am a permanent resident of Chennai, a Post-Graduate in Commerce, and was in the management of a Multi-National Bank. I am currently the President of Temple Worshippers Society, Chennai, a society registered under the Societies Registration Act, 1975 and President of Indic Collective Trust, Chennai which is a Trust with the object of preserving Indian values, ethos and culture. I have been espousing the cause of temples, heritage structures and clean administration of temples by carrying out research, creating public awareness, taking legal initiatives including filing Writ Petitions / Public Interest Litigations for the purposes of:

(a) protecting and maintaining temples, their traditions and their antique and heritage structures, statuarities and icons

(b) protection of movable and immovable properties of Hindu Temples and endowments - including statuarities and icons belonging to the temples and connected endowments and

(c) defending the fundamental, religious and cultural rights guaranteed by the Constitution of India under Articles 25, 26 and 29(1).

4. I submit that, I have filed number of public interest litigations on such issues and currently Writ Petitions 11412 and 11413 of 2015 regarding non-appointment of Trustees to Hindu Temples, Writ Petition 17468 of 2016 challenging the Management and Preservation of Properties of Religious Institutions Rules and Writ Petition 6810 of 2018 questioning

the authority of HR & CE officials in conceiving, deciding and carrying out core religious ceremonies in Hindu Temples including Temple consecrations are pending before this Hon'ble Court. I had also filed W.P. 32387 of 2019 challenging G.O. Ms. No. 318 dated 30.08.2019 issued by the State Government on the issue of alienation of temple lands, where this Hon'ble Court was pleased to grant a stay of the said G.O. and the same is pending before this Court. Along with Indic Collective Trust I have also filed W.P. Nos 9869, 9872 and 9878 of 2020, in relation to illegal fund transfers by the Respondent department are pending before this Court.

5. I submit that, I have filed this writ petition out of my own funds. I am an income tax assessee and my Permanent Account Number is AEPPR4560K.
6. I submit that, I do not have any personal interest or agenda against the respondents, or any person concerned with the respondents. I hereby undertake to pay any cost that may be awarded if the Writ Petition is found to be frivolous. I had originally filed W.P. 17109/2018 which partially covered the issues raised herein, which was withdrawn seeking liberty to challenge the impugned order herein which covers multiple issues.
7. I further respectfully submit that, the details contained in the affidavit are based on information collated out of my own research works and from the enquiries made with the concerned departments under Right to Information Act, 2005 and from information provided by devotees of temples in Tamil Nadu.

8. I respectfully submit that, considering the nature of relief sought and the issues arising in this writ petition I am advised to briefly provide a sketch of the relevant legal provisions and the cases which hold the field.

II. A Brief Note of Pre-Independence Regulation of Hindu Religious

Institutions: -

9. I respectfully submit that the control of temples by State started during the British period, in the Bengal Presidency and Madras Presidency (by Madras Regulation VII of 1817), regulating the religious endowments of Hindus and Mohammedans under the superintendence of the Board of Revenue. In 1842, owing to the then Government's decision, the administration of these endowments were handed over to the respective Trustees. Once again, the Religious Endowments Act was enacted in 1863 which was subsequently followed by the 1923 Madras Hindu Religious Endowments Act and culminated as the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927). The 1926 Act contemplated Board of Commissioners, the framing of schemes and regulating Religious Endowments, Temples and Maths. The said Act was amended multiple times, the most significant being Chapter VI-A, introduced by the 1935 Amendment Act. The said Chapter under the heading 'Notified Temples' contemplated notification of temples by publishing a notification and calling upon the Trustees and interested persons to show cause as to why such temple should not be notified. Pursuant to the notification, an Executive Officer will be appointed to exercise such functions as prescribed by the Hindu Religious Endowment Board. The aspect as to the, notification temples under Chapter VI-A of the said Act remains relevant even today, owing to the claimed

continuation in force of such notifications, under the subsequent enactments.

III. Advent of the Constitution, the Guarantee of certain Religious Rights and the Enactment of Madras Hindu Religious and Charitable Endowments Act, 1951: -

10. I respectfully submit and I am advised to state that on coming into force of the Indian Constitution, the administration of temples by the State, had various legal implications owing to the provisions of Part III of the Constitution. It is further submitted that under Article 14, Right to Equality was enshrined, under Article 19, various freedoms were guaranteed and under Article 21, Right to Life and Personal Liberty was guaranteed. It is submitted that under separate headings of Right to Freedom of Religion and Cultural and Educational Rights, certain rights in relation to religion and culture were guaranteed from Article 25 to Article 30. Amongst them, two principle provisions which directly impacted the matter of administration of Temples were Article 25, wherein all persons were declared to have the right to freely profess, practice and propagate religion, subject to the power of State to make law regulating economic and secular activities which may be associated with religious practice and Article 26 which confers the Freedom to every religious denomination i.e. dharmic Sampradaya (as in Hindi Text of the Constitution) or any section thereof to establish and maintain religious and charitable institutions, to manage religious affairs without interference and to own, acquire properties and administer such properties according to law. I respectfully submit that it is generally under Article 25(2) of the Constitution, where the laws seeking to regulate religious

institutions. However, I am advised to state that any such law seeking to regulate religious institutions must also be in conformity with other provisions of Part III of, and the Constitution.

11. I respectfully submit that on the coming into force of the Constitution, the then Madras State enacted the Madras Hindu Religious and Charitable Endowments Act, 1951 (hereinafter referred to in this Petition as the 1951 Act for brevity), to amend and consolidate the law relating to administration and governance of Hindu Religious Charitable Institutions and Endowments. Under Section 103 of the said 1951 Act, all Rules, Notifications, Orders passed, etc., under the 1926 Act, in so far as not being inconsistent with the subsequent enactment were saved and were deemed to be done under the subsequent Act of 1951.
12. I respectfully submit that under the 1951 Act, the Temples were sought to be regulated by way of framing Schemes of Administration under Chapters V as well as by Notifying certain Religious Institutions under Chapter VI of the said Act. It is relevant to state here that the validity of these provisions as well as the orders and notifications issued thereunder (both the 1926 and the 1951 Act), came to be questioned before this Hon'ble Court and subsequently before the Hon'ble Supreme Court. The details of the said cases are elaborated under the relevant headings either relating to the Scheme Temples or the Notification Temples.
13. I submit that primarily, many of the provisions of the 1951 Act came to be challenged before an Hon'ble Division Bench of this Hon'ble Court in the famous Sri Lakshmindra Thirtha Swamiar & Ors vs Commissioner, Hindu Religious & others (1952 I MLJ 557) and in Devaraja Shenoy vs

State of Madras, by Secretary, Legal Department and another (1952 II MLJ 481). Many of the provisions including the entire Chapter V of the 1951 were declared to be unconstitutional by the two judgments dated 13.12.1951. The State of Madras filed 3 appeals before the Hon'ble Supreme Court of India. Civil Appeal No. 39 of 1953 relating to Chidambaram Sri Sabhanayagar Temple was dismissed by a Constitutional Bench of Hon'ble Supreme Court of India. Similarly Civil Appeal 15 of 1953 was dismissed by a Constitutional Bench of the Hon'ble Supreme Court. Civil Appeal No. 38 of 1953 was heard in length and thereto the State Government limited its arguments on the Constitutional validity of certain provisions of the 1951 Act.

14. I submit that in the Shirur Mutt case (AIR 1954 SC 282), certain provisions of the 1951 Act including the entire Chapter VI were struck down. While there were some other cases also pending challenging the provisions and proceedings under the 1951 Act, the State of Madras (presently the 1st respondent herein), passed a new Legislation to regulate Hindu Religious Institutions, which is detailed below.

IV. A Brief outline of the relevant provisions of Act 22 of 1959 and the case laws holding the field concerning presence of Executive Officers in Hindu Religious Institutions:

15. I respectfully submit that, the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 Act (hereinafter referred to as 1959 Act, for brevity in this petition) passed by the Tamil Nadu State Legislature in the year 1959 and the said Act after receiving the assent of the President came into force on 01.01.1960. The said Act was passed to consolidate and

amend the law relating to the administration and governance of Hindu Religious and Charitable Institutions and Endowments in the State of Tamil Nadu. Earlier the field was held by the Tamil Nadu Hindu Religious and Charitable Endowments Act 1951 (hereinafter referred to in this Petition as the 1951 Act) and Madras Hindu Religious Endowments Act, 1926 (Act II of 1927) (hereinafter referred to in this petition as the 1927 Act for brevity).

16. I submit that the 1959 Act contemplated regulation of Hindu Religious Institutions through the various authorities under the said Act as described under Section 8, viz., the Commissioner, Additional Commissioner, Joint Commissioner, Deputy Commissioners and Assistant Commissioners who are officers of the Hindu Religious and Charitable Endowments Department (hereinafter called the HR&CE Department in this petition for brevity).

17. I submit that Sections 43-A (from 1974) and 45 of the 1959 Act contemplate appointment of Executive Officers by the Commissioner (2nd Respondent). The Executive Officer under Section 43-A shall be subject to the control of the Trustee of the Math and shall exercise such powers and duties as may be prescribed. The Executive Officer appointed under Section 45 can be assigned only powers and duties that appertain to the properties of the Religious institution concerned under the Act. While the former pertains to appointment in cases of temples under Maths, the latter is in cases of religious institutions other than Maths or specific endowments attached thereto. The other category under which an Executive Officer could be appointed is under Section 74, which is in case of a religious institution notified under Chapter VI of the Act. Further,

under the 1959 Act, in cases of religious institution governed by notification continued in force under Section 75-A or 75-B the Commissioner shall have the power and shall be deemed always to have had power to appoint an Executive Officer under Section 75-C (4)(b). The constitutional validity of this Sub-Section 75-C (4)(b) is challenged in a Writ Petition before the Supreme Court and the same is pending along with challenges to Section 43-A, Section 45 and Sections 72 to 76 of Chapter VI of the 1959 Act.

18. I respectfully submit that, the term 'Executive Officer' is defined under Section 6(9) which '*means a person who is appointed to exercise such powers and discharge such duties appertaining to the administration of a religious institution as are assigned to him by or under this act or the rules made thereunder or by any scheme settled or deemed to be settled under this Act.*'
19. I respectfully submit that, while the definition provision seeks to delineate the roles of an Executive officer, any appointment of Executive Officers should be traceable to the provisions mentioned in aforesaid paragraph No. 11. It is submitted that HR & CE Department being a limb of the Government of Tamil Nadu, such Executive Officers are Public Servants. The Executive Officer is generally salaried and is subject to disciplinary action by the Commissioner. It is necessary to note that, such salary is paid from the fund of the Government which is in turn received from the temples (religious institutions) pursuant to Section 92 of the 1959 Act.
20. I respectfully submit, I am advised to state that, recently the Hon'ble Supreme Court in *Dr. Subramanian Swamy & others vs State of Tamil*

Nadu & others (2014) 5 SCC 75, has held that an order of appointment of Executive Officer under section 45 must disclose reasons for and circumstances under which the appointment was necessitated and further held that, an appointment of Executive Officer can only be temporary in nature and an order appointing Executive Officer where no period of operation is prescribed is not sustainable in law. The Hon'ble Supreme Court further held that, an Executive Officer could not be appointed in absence of any rules prescribing conditions subject to which appointment can be made. Certain relevant extracts are produced below:

“ ... 47. Even if the management of a temple is taken over to remedy the evil, the management must be handed over to the person concerned immediately after the evil stands remedied. Continuation thereafter would tantamount to usurpation of their proprietary rights or violation of the fundamental rights guaranteed by the Constitution in favour of the persons deprived. Therefore, taking over of the management in such circumstances must be for a limited period. Thus, such expropriatory order requires to be considered strictly as it infringes fundamental rights of the citizens and would amount to divesting them of their legitimate rights to manage and administer the temple for an indefinite period. We are of the view that the impugned order is liable to be set aside for failure to prescribe the duration for which it will be in force.

Super-session of rights of administration cannot be of a permanent enduring nature. Its life has to be reasonably fixed so as to be co-terminus with the removal of the consequences of maladministration. The reason is that the objective to take over the management and administration is not the removal and replacement of the existing administration but to rectify and stump out the consequences of maladministration. Power to regulate does not mean power to supersede the administration for indefinite period....”

21. I respectfully submit that, presently, rules have been framed and notified on 5th November 2015 under Section 43-A and 45 of the 1959 Act by the 1st Respondent vide *G.O. Ms. No. 260, Tourism, Culture and Religious Endowments (RE4-2), dated 6th November 2015 and known as "Conditions for Appointment of Executive Officers Rules"*. Further, the said Rules seek to give retrospective effect on any appointment of Executive Officers to Hindu Religious Institutions under Section 45(1) or under Section 43-A that were done before 06 November 2015. It is submitted that, while the rules cannot have retrospective effect without the enabling provision in the parent legislation providing for such power to make retrospective legislation, the same is not currently elaborated here as this petition is mainly on the absence of any orders appointing Executive Officers to Hindu Religious Institutions by the Commissioner of HR & CE Department under any of the enabling provisions of the 1959 Act and on sustainable grounds.
22. I respectfully submit that, as I have been visiting various temples and have been studying and researching on the functioning of the officials and routines in all temples, during the course of my enquiries and the information I received from the Government through the Right to Information Act, it was found that in many temples, though Executive Officers were present and functioning, there were no valid orders appointing Executive Officers under the enabling provisions of the 1959 Act.
23. I respectfully submit that, to verify the same, as part of other questions, I sought from the office of the Executive Officers of certain temples, under the Right to Information Act, 2005, the copies of the order appointing an

executive officer for the very first time, it was responded by stating that, the said Order appointing the Executive Officer was not available in the temple or office of the Commissioner, confirming the fact that there are no such orders in respect of those temples .

24. I respectfully submit that, the functioning and presence of executive officers at various temples are illegal and contrary to the provisions of the TN HR & CE Act of 1959. The magnitude of the number of temples, where this is an issue, reflects the arbitrary functioning of the State and HR & CE department in such matters, where the provisions of the law, due process thereof are not followed. This in turn affects the rights of the devotees, trustees and all the stakeholders, including those who contribute to the temples, and above all to the interest of the temples themselves. The temples where such presence of executive officers were found to be without valid orders appointing them can be broadly categorized under two heads, namely “scheme temples” and “notification temples”. I have dealt the said issues in detail, with the background and relevant details of the temples wherever necessary also delineating the relevant provisions of law in the succeeding paragraphs.

III. ‘Scheme Temples’ - Provisions relating to framing of Schemes of administration under the 1959 (contrasting with the 1951 Act) & illegal presence and functioning of Executive Officers in certain Temples administered under Schemes:

25. I respectfully submit that the 1959 Act contemplates framing of schemes of administration for Hindu Religious Institutions under Chapter V of the Act, more specifically under Sections 64 and 65. While Section 64 empowers the Joint Commissioner and Deputy Commissioner to settle

schemes, Section 65 empowers the Commissioner to settle schemes. Sub-Clause (5) of Section 64 of the 1959 Act deals with modification of a scheme in various cases and Sub-Clause (6) provides for publication of the scheme. Section 69 of the Act provides for appeal to the Commissioner against any order passed under Chapter V and any party further aggrieved by the Commissioner's order may file a suit under Section 70 of the 1959 Act. I respectfully submit that it is necessary to note that nowhere in Section 64 or 65 of the 1959 Act, appointment or role of Executive Officer is contemplated and as such, no powers are vested with the appropriate authorities to appoint an Executive Officer under these two sections, while settling schemes.

26. I respectfully submit that the corresponding provision in the 1951 Act, in regard to settling schemes for Religious Institutions was under Section 58, wherein appointment of Executive Officer was contemplated under Section 58(2)(d), while in the present Act, it stands excluded, which clearly leads to the conclusion that an Executive Officer cannot be appointed under Section 64 of the 1959 Act.
27. I respectfully submit, that considering the scheme of the Act and scope and intent of Section 64, it is clear that while Chapter III and VI deals with appointing of Executive Officers, and Chapter V relates to schemes only, hence it contemplates to regulate the manner in which the trustees administer the institutions not divest the same from them and vest in other authorities viz., State authorities.
28. I respectfully submit, soon after after coming into force of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 on 01.01.1960,

the Deputy Commissioners in the HR & CE Department, Suo Motu, started framing schemes of administration or started modifying existing schemes of administration for various Hindu Temples under Section 64 of the 1959 Act. It is observed from many of the final orders (many of such orders were passed ex-parte) on proceedings under Section 64 that it:

- a. Did not state valid reasons for framing or modifying schemes of administration for such Hindu Temples;
- b. Did not mention for what period such schemes framed or modified would be valid;
- c. Uniformly stated that the temples would be administered by 3 to 5 trustees and by an Executive Officer who shall be appointed by an Appropriate Authority
- d. Followed a uniform template for the schemes by which almost all of the duties and responsibilities of the Trustees under the 1959 Act and as per custom and tradition were entrusted in the Executive Officer who was 'to be appointed by an Appropriate Authority' under the fresh scheme.
- e. While stating that an Executive Officer shall be appointed by an Appropriate Authority, the Deputy Commissioner, by introducing various clauses in the schemes so finalised, vested various duties and responsibilities of the trustees on the "Executive Officer" who was not yet appointed.

29. I respectfully submit that some of the important temples in Tamil Nadu for which such schemes of administration were framed or modified under Section 64 of the 1959 Act were:

- i) Sri Subramaniaswamy Temple, Tiruttani
- ii) Sri Sukavaneswarar Temple, Salem
- iii) Sri Kapaleeswarar Temple, Chennai -04
- iv) Sri Abathsagayeswarar Temple, Alangudi
- v) Sri Avinasilingeswarar Temple, Avinasi
- vi) Sri Kamakshi Amman Temple, Kanchipuram
- vii) Sri Bangaru Kamakshi Amman Temple, Thanjavur
- viii) Sri Venkatachalapathy Temple, Oppiliappankovil
- ix) Sri Srinivasa Perumal Temple, Egmore, Chennai
- x) Sri Manthrapureeswarar Temple, Kovilur Village, Tiruthuraiipoondi Taluk

30. I respectfully submit, in the submissions made under the heading No. II, it is has already been demonstrated that, the appropriate authority for such appointments is the Commissioner of HR & CE, and such appointments can be made only under the relevant provisions namely Sections 43-A (from 1974) 45, 74 and 75C (4) (from 1965). It is submitted that, in none of these temples, and those further dealt with below under this heading, to the best of my enquiry, there are orders passed by the 2nd respondent appointing Executive Officers under the relevant provisions.

31. I respectfully submit that, I am stating below the essential details of the schemes of the relevant temples, which reveals the illegality. The copy of

the schemes, is enclosed in the typed set of papers and the same may be referred to as part and parcel of this affidavit. I respectfully submit that, the issue contested herein is primarily legal, the historical backgrounds of the temples are not gone into.

I. Sri Venkatachalapathy Temple, Oppiliappan Koil, Kumbakonam Taluk, Thanjavur District.

In regard to the aforesaid temple a scheme was modified under Section 64-(5)(a) of the 1959 Act dated 27.11.1967 in OA 6/1967 by the Deputy Commissioner, HR & CE (Administration) Department, Thanjavur as per Clause (3) of the modified scheme administration of the temple, shall comprise of 3-5 trustees and Executive Officer to be appointed by the appropriate authority under the provisions of Act 22 of 1959. It is respectfully submitted that though Executive Officer is functioning, there is no order appointing such Executive Officer under any of the provisions of the 1959 Act. The RTI query received a reply that no appointment Order is available in this office.

II. Sri Bangaru Kamakshiamman Temple, Thanjavur

In the above case the Deputy Commissioner, HR & CE Department, Thanjavur in OA 29/79 passed orders under Section 64(5)(a) an order of scheme wherein under Clause (6) provides for appointment of Executive Officer to be appointed under appropriate authority as provided under the Act. The RTI query received a reply that no appointment Order is available in this office.

III. Sri Avinashilingeswarar Temple, Avinashi Taluk, Coimbatore District.

With regard to the above temple order under Section 64(5) was passed against the Deputy Commissioner HR & CE wherein clause (3) wherein the appropriate authority shall have the power to make an appointment of an Executive Officer to the said temple.

IV. Sri Kamakshi Amman Temple, Kancheepuram town and Taluk

With regard to the above temple order was passed under Section 64(5) by the Deputy Commissioner HR & CE Department, Madras dated 12.04.1962 wherein clause (5) of the modified scheme an Executive Officer shall be appointed by the Commissioner under the Act of 1959. (It is pertinent to note that this temple is an ancient temple where a Srichakra Meru was consecrated by Sri Adi Sankarar who established the Kanchi Kamakoti Peetam, Sri Matam, to which the temple belongs to).

V. Sri Kapaleswarar Temple, Mylapore, Chennai

With regard to the above temple, from communication issued by the Public Information Officer from the office of the Deputy Commissioner HR & CE Department, Madras, it has come to knowledge that order appointing Executive Officer “is not available on file”.

VI. Sri Subramanyaswamy Temple, Tiruttani Town and Taluk and Sri Vataranyaswami Temple, Thiruvallangadu, Tiruttani Taluk, Chingleput District

With regards to the above - mentioned temple, by order in O.A.NO.38/61 under Section 64(5) of the 1959 Act, the Modified Scheme in clause 6 states that “The appropriate authority shall have power to appoint an executive

officer” but not separate order appointing an Executive Officer by the appropriate authority is traceable.

VII. Sri Sukavaneswarar Temple, Salem town

In order passed by the Deputy Commissioner HR & CE, Department, Madras dated 18.07.1964 under Section 64(5) of the 1959 Act, the modified scheme in clause 8 provide that commissioner or other appropriate authority under the said Act shall appoint an Executive Officer.

32. I submit that for the following among other temples, the 2nd respondent the confirmed the schemes framed or modified by the Deputy Commissioner under Section 64 of the 1959 Act:

- 1) Sri Ekambareswarar Temple, Kanchipuram
- 2) Sri Madhava Perumal Temple, Mylapore, Chennai – 04

In the appeals that were filed under Section 65 of the 1959 Act and the 2nd Respondent herein upheld the schemes framed by the Deputy Commissioners for these two temples with some minor modifications. However, even for these temples no orders appointing Executive Officers under the relevant provision were ever issued by the 2nd Respondent herein. I respectfully submit that from the details narrated above, it is clear that while the Schemes either contemplate Executive Officer to be appointed by appropriate authority or under the Scheme, there is no such appointment order available with the officials or any proceedings thereof traceable. In the circumstances, it is clear that, on one side when the Act does not contemplate an Executive Officer to be appointed while settling a Scheme under Chapter V of the 1959 Act, without any appointment

orders, Executive Officers are present in Temples and administering them, contrary to the provisions of the HR & CE Act, 1959. It is further submitted that the list of Temples mentioned above are merely illustrative and not exhaustive. Some other temples that get covered are I respectfully submit that, in respect of _____ temples, there are certain peculiarities involved, and with the intent of focusing on the main issue, liberty is sought to file an additional affidavit, elaborating on the same.

IV. Notification Temples - The Origins of amendment to Chapter VI of HR & CE Act, vide HR & CE Amendment Act (Act 16 of 1965) and illegal presence of Executive Officers contrary to the provisions under the chapter: -

33. I respectfully submit that, many of the provisions of the Madras Hindu Religious & Charitable Endowment Act 1951, were struck down by an Hon'ble Division Bench of this Hon'ble Court, in the Judgments reported in 1952 (1) MLJ 557 and in 1952 (2) MLJ 481. The provisions relating to notification of temples under Chapter VI of the 1951 Act were also struck down as unconstitutional. Further it was also held that the equivalent provisions in the Madras Hindu Religious Endowments Act, 1927 "were ultra vires the State Legislature tested by the Fundamental Rights guaranteed by the Constitution".
34. I respectfully submit that, the State of Madras preferred an appeal challenging the orders dated 13.12.1951 passed in 1952 (1) MLJ 557 and in 1952 (2) MLJ 481. While the Hon'ble Supreme Court dismissed the appeal in respect of the Sri Sabhanayagar Temple, Chidambaram by an order dated 06.03.1994 (C.A. 39/1953), the other appeal is the celebrated

Shirur Mutt Case, decided on 16.04.1954, reported in AIR 1954 SC 282. The Hon'ble Supreme Court while upholding the decision of the Division Bench, struck down the provisions Sections 21, 30(2), 31,55,56 and 63 to 69 of the 1951 Act to be void. Regarding Chapter VI (Sections 63 to 69) the Constitutional Bench said “

“...Chapter VI of the Act, which contains sections 63 to 69, relates to notification of religious institutions. The provisions are extremely drastic in, their character and the worst feature of it is that no access is allowed to the court to set aside an order of notification. The Advocate- General for Madras frankly stated that he could not support the legality of these provisions. We hold therefore, in agreement with High Court that these sections should. be hold to be void.....”

35. I respectfully submit that, though the striking down of the provisions relating to notification of temples in the 1951 Act was upheld by the Hon'ble Supreme Court in Shirur Mutt Case, the Executive Officers continued to administer the temples which were notified under the provisions which were struck down. I respectfully submit that, the then Adheenakartar of Shri Dharmapura Adheenam challenged the continuation of notification with respect about 46 temples in G.O. No. 3069 dated 04.08.1956 issued by Revenue Department of State of Madras in ILR (1962) Mad. 449 ostensibly to extend the notifications of the temples and endowments notified under the 1927 Act for another five years from 30th September 1956. Though the Madras High Court accepted the contentions raised, challenging the notification, declined to quash the same, as the notification was due to expire and stating that the plea could at this stage be made before the Commissioner of HR & CE Department. The said order was challenged by the Adheenakartha before the Supreme

Court which by its order dated 10.02.1965 reported in AIR 1965 SC 1578, quashed the impugned notification therein holding the Notification to be invalid also on grounds of due opportunity not being given to the trustees. As a result of the operation of the Judgment of the Hon'ble Supreme Court about 46 temples ought to have been released immediately from the administration of the Respondent Department.

36. I respectfully submit that, during the pendency of the matter before the Hon'ble High Court, the State of Madras had brought in the new legislation viz., The Madras Hindu Religious and Charitable Endowments Act, 1959, which is currently in force. The new Act however carried the equivalent provisions of Chapter VI of the 1951 Act, which were struck down by the Supreme Court in the Shirur Mutt Case referred to supra. I respectfully submit that, as a consequence of the Judgment of the Hon'ble Supreme Court reported in 1965 AIR 1578, the State of Madras amended the 1959 Act and inserted Sections 75-A, 75-B, 75-C. Section 75-A provides that notwithstanding any Judgment, decree or Order of any Court and notwithstanding the earlier legislations or the said Act, but subject to Section 75-C, provided that all notifications issued under Chapter VI-A of the 1927 Act, shall continue and be deemed to always have continued in force up to 16.07.1965 and for a period of 1 year thereafter. I respectfully submit that, Section 75-B empowers the Commissioner to further extend such notification after expiry of a period of 6 months from 16.07.1965. The said provision also contemplates notice being given to trustees, calling for objections and report to the Government before extending such notification. Section 75-C provides

for Right to Suit to such trustees, against the decision of the Commissioner, for cancellation of such notification.

37. I respectfully submit that, among the 46 notified temples, the Commissioner independently appointed Executive Officers under Section 45 of the 1959 Act to only 5 temples, the details of which are given below:

Sri Kantimati sameta Sri Nellaiappar Temple, Tirunelveli	Commissioner D. Dis. No. 16248/66 dated 13.05.1966
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Sri Arthanareeswarar Temple, Tiruchengode	Commissioner D. Dis No. 57963/65 dated 09.04.1966
Sri Kallazhagar Temple, Azhagarkoil	Commissioner D. Dis. No. 14578/66 dated 29.05.1966
Sri Subramaniaswamy Temple, Tiruchendur	Commissioner D. Dis. No. 23779/66 dated 10.06.1966
Sri Kothandaramaswamy Temple, Vaduvur	Commissioner D. Dis. No. 62235/65 dated 12.03.1966

38. I respectfully submit that, while the aforesaid orders appointing Executive Officer for the 5 temples are themselves invalid applying the dictum of the Judgments of the Hon'ble Supreme Court in Sabhanayagar Temple's case, it is necessary to state that, the Commissioner has not passed any further orders with regard to the remaining 41 temples, with the one exception of Sri Dandayudhapani Temple, Palani, wherein the notification was continued under Section 75-B. I reserve my right to challenge the said continuation of notification for certain reasons peculiar to the said notification apart from the reasons averred here.

39. I respectfully submit that, with respect to the remaining 40 temples, there are no orders either under Section 45 or under Section 75-B, on extension of Notification, but the Executive Officers are still functioning in those temples. I respectfully submit that, the list of temples where there are no such orders for continuance of Executive Officers are stated below.

- (1) *Tirumizhisai Azhwar Temple, Ponneri Taluk*
- (2) *Sri Ambalavaneswarar and Sri Vaneswarar Temples, Angambakkam, Kanchipuram*
- (3) *Sri Audikesava Perumal and Sri Bashyakaraswamy Temples, Sriperumpudhur*
- (4) *Sri Thirumangeswarar Temple, Melur, Ponneri Taluk*
- (5) *Sri Thiruvallleswarar temple, Tirvallivayal, Ponneri Taluk*
- (6) *Sri Ranganathaswamy Temple, Vasistapuram, Vridhachalam Taluk*
- (7) *Sri Vaidyanadhaswamy Temple, Thittakudi, Vridhachalam Taluk*
- (8) *Sri Kamakshiamman Temple, Cuddalore Town*
- (9) *Sri Puthumariamman Temple, Kurunjipadi, Cuddalore Taluk*
- (10) *Sri Arunachaleswarar Temple, Tiruvannamalai*
- (11) *Sri Kottai Mariamman Temple, Salem*
- (12) *Sri Prasanna Venkatachalapathy and Mariamman Temples, Shevapet, Salem*
- (13) *Sri Venkatesaperumal Temple, Srinivasapuram, Avinasi Taluk*
- (14) *Sri Karpaganadhaswamy Temple, Karpaganathakulam, Tiruthuraipoondi Taluk*
- (15) *Sri Thiagarajaswamy Temple, Tiruvarur*
- (16) *Sri Rajagopaldaswamy Temple, Mannargudi*
- (17) *Sri Thiagarajaswamy Temple, Tiruvoimur*
- (18) *Sri Ranganatha Perumal Temple, Kilayur, Nagapattinam*
- (19) *Sri Arunachaleswarar Temple, Kilayur*

- (20) *Sri Vedapureeswarar Temple, Nemam, Tiruthuraiipoondi Taluk*
- (21) *Sri Brahmasureeswarar Temple, Ambal, Nannilam Taluk*
- (22) *Sri Veeramahaliyamman Temple, Peravurani, Pattukkottai*
- (23) *Sri Sathgunanathaswamy Temple, Idumbavanam, Tiruthuraiipoondi*
- (24) *Sri Bhaktavatsalaperumal Temple, Tirukannamangai, Nannilam Taluk*
- (25) *Sri Subramaniaswamy Temple, Ettukudi, Tiruvarur*
- (26) *Sri Ranganathaswamy Temple, Srirangam, Tiruchirappalli*
- (27) *Sri Prasanna Venkatachalapathy Temple, Turuayyur, Musiri*
- (28) *Sri Marudhakaliyamman Temple, Siruvachur, Perambalur*
- (29) *Sri Varadharaja Perumal Temple, Reddiapatti, Musiri*
- (30) *Sri Apartharakshagar Temple, Aduthurai*
- (31) *Sri Meenakshi Sundareswarar Temple, Madurai*
- (32) *Sri Gowriyamman Temple, Veerapandy, Periakulam*
- (33) *Paal Abhisheka Kattalai – attached to Sri Meenakshi Sundareswarar Temple, Madurai – (Endowment)*
- (34) *Sri Varadaraja Perumal Temple, Mullipalayam, Nilakottai*
- (35) *Sri Vaidhyanathaswamy Temple, Madavaravilagam, Srivilliputtur*
- (36) *Sri Nachiar Devasthanam, Srivilliputtur*
- (37) *Sri Venkatachalapathy Temple, Sattur*
- (38) *Sri Tiruvenkadamudaiyaan Temple, Ariyakudi, Tirupattur*
- (39) *Sri Adinathalwar Temple, Alwartirunagari,*
- (40) *Sri Kallabiran Temple, Srivaikundam*

I respectfully submit that, I verified from the archives personally and only the 5 temples stated above were available and no order have been passed in regard to the remaining as verified. In fact the order in relation to Kallazhagar temple appointing executive officer under Section 45 makes

it clear that the Government is conscious that the notification expires with effect from 1966.

40. I respectfully submit that when the statute itself does not contemplate continuation of the officers, the officers cannot continue to administer the functioning of the Temples, contrary to the statute. It is shocking to note that this illegality has been existing for the last 55 years. This is more so when the statute contemplates certain procedures such as Publication of Notice, calling upon the Trustee and all interested persons to show cause why it should not continue and such notice stating the reasons for the action proposed. When the actions of the respondents in continuation to place the executive officers in the aforementioned temples is in clear disregard to the statute, the same is liable to be interfered by this Hon'ble Court.

41. I respectfully submit that Government in the meanwhile had issued G.O. No. 2347 (Revenue), dated 13.7.1966 declaring that notification No. 638, dated 25.5.1937 relating to Sri Thyagarajaswamy Devasthanam and the Kattalais attached thereto at Thiruvarur shall continue to be in force beyond 15th July, 1956. This was challenged by the Dharmapuram Adheenakartar vide O.S. 15 of 1968. Finally, by an order dated 22.12.1993 of a Division Bench of this Hon'ble Court and reported in 1994 2 MLJ 313 held that Section 75-A makes a direct inroad into the judicial powers of the State and has to be necessarily struck down. This Hon'ble Court further held that

“...We have already seen that there could be no valid extension of the notification under Section 75-A. Learned Counsel for the appellants next contends that where a notification is quashed its existence ceases. There

can be no order continuing that which does not exist. In other words, there can be no law which seeks to extend the provisions of a rule which is non-existent. By the time G.O. No. 2347 (Revenue), dated 13.7.1966 was published, Notification No. 638, dated 25.5.1937, was no longer in existence by virtue of the decision of the Supreme Court. So there is substance in the claim of learned Counsel for the appellants that the G.O. No. 2347 passed under Section 75-B of the Act is not valid....”

In the circumstances it is submitted that, as section 75-A of the 1959 Act has been struck down already, there is no question of sustaining any notification under Section 75-B. In the circumstances, the continuation and functioning of all the Executive Officers mentioned above is illegal and without jurisdiction.

V. Course of Action adopted to redress the issues prior to Writ Petition

42. I respectfully submit that, in the circumstances, I sent legal notices separately on the issues of “scheme temples” and “notification temples”. notice dated 21.06.2017 and 24.07.2017 respectively, to the Respondents questioning the legality of continuance of the Executive Officers also pointing out the various irregularities and illegalities perpetuated by the said Executive Officers. In the notice dated 21.06.2017, it was specifically contended that there are no orders appointing executive officers and an Executive officer cannot be appointed by way of Scheme under Section 64. I respectfully submit that, on 24.07.2017, I had sent the legal notice specifically questioning the legality of the presence of executive officers in case of notified temples listing out the temples. I respectfully submit that, I received a common reply dated 18.11.2017 stating that the Executive Officers of the said temples were appointed under the schemes framed between 1949 to 1970 and that they were administering the

temples in a proper manner and further stated that my request to remove the Executive Officers is rejected. I respectfully submit that, in the said communication even the issue of non-extension of notification temples under Chapter VI was not addressed and the said representations have been mechanically rejected without taking necessary action required under law.

43. I respectfully submit that, the positions of the Executive Officers in these temples and in many other temples for which schemes of administration were framed or modified are without any legal basis, non-est and are unsustainable. I respectfully submit that, though the specific contention was placed before the Respondents 1 and 2, the 2nd respondent went to the extent of admitting that the said Executive Officers are functioning only under the scheme framed for such temples, implying that there are no orders under section 45 or any other ostensibly empowering provision under the 1959 Act. The Executive Officers in 40 temples functioning purportedly under Chapter VI, but without any Orders, is a shocking illegality and are functioning without any jurisdiction under the statute.

44. I respectfully submit that, in any event if appointments of Executive Officers have been made pursuant to framing of schemes or pursuant to quashing of notifications by Hon'ble Supreme Court of India on 10.02.1965, such appointments would clearly fall foul of the dictum of the Hon'ble Supreme Court as laid down in SDG Pandara Sannati Case (1965 AIR SC 1683) and the ratio laid down by the Hon'ble Supreme Court of India in Sri Sabhanayagar Temple Case (2014) 5 SCC 75), as no case has been made out for appointment of Executive Officers. Further, Rules under Sections 43-A and 45 were not framed till 05.11.2015 and

thus the Commissioner could not have exercised his power under the relevant provisions without the Rules necessary to be framed under the provisions were framed and approved by the Legislature. I respectfully submit that, vesting the entire administration of the Hindu Temple in a secular authority would also be against the dicta of Constitutional Benches of the Hon'ble Supreme Court of India laid down in AIR 1954 SC 282 ("Shirur Mutt Case") and AIR 1954 SC 388 (Ratilal Panchand Gandhi Case).

45. I respectfully submit that, beyond the illegalities in appointment, the Executive Officers are perpetuating various illegalities in administration, management of funds and properties of the said Hindu Temples. Serious misdeeds are carried out by them which result in interference in religious matters and rituals, non-protection of properties of the religious institutions and failure to realise the due income therefrom, inefficiency and corruption in day-to-day management of temples and the destruction and dilution of heritage and antiquities of ancient temples and disappearance of icons and artefacts therefrom. I respectfully submit these issues are elaborated in W.P. No. 9869, 9872 and 9878/2020.

46. I further respectfully submit it is necessary to bring to the Court's attention that, the trustees who have been hereditarily managing the temple, practically have no say in the administration of the temples and oftentimes the religious denominations and the devotees belonging to such Sampradays had to put up with blatant and severe interferences in the religious affairs of the temples by the "Executive Officers" and other officials of the HR & CE Department, in the guise of administration.

47. I respectfully submit that, with regard to the “Scheme temples” issue, I had already filed a Writ Petition No. 17109 of 2018. The Division Bench of this Hon’ble Court however, was of the opinion that a representation being sent and a reply having been issued by the Department refuting the same, it would be appropriate to challenge the said reply dated 18.11.2017, instead of seeking a declaration. In the circumstances, liberty was sought to withdraw the Writ Petition and challenge the communication of the 2nd Respondent dated 18.11.2017 which was granted by this Hon'ble Court in its order dated 03.06.2019.
48. I respectfully submit that the impugned order referred to above relate to two separate issues, raised by two different legal notices dated 21.06.2017 and 24.07.2017. While the former relates to the illegal functioning of the executive officers under Scheme framed under Chapter V, the later deals with the issue of illegal continuance of the Executive Officers contrary to Chapter VI of the 1959 Act. With the view of not complicating the issues, I had filed on the issue of scheme temples alone in my earlier Writ, reserving my Right to challenge in respect of other temples. Now as the Communication dated 18.11.2017, it is challenged with respect to all aspects covered in the representations, to avoid multiplicity of proceedings.
49. I respectfully submit that even otherwise, there cannot be permanent takeover of Hindu Temples belonging to various Dharmic Sampradayas. As held in Dr. Subramanian Swamy & others vs State of Tamil Nadu & others, even a scheme of administration is of a temporary nature. An order of appointment of an Executive Officer which may be otherwise validly issued would be unsustainable and void if there are no reasons mentioned

in the said order for making such an appointment and/or if no reasonable period of operation is mentioned in the said order.

50. In the circumstances, having no other alternative or efficacious remedy I am filing this writ petition, praying for a Writ of Certiorarified Mandamus, or any other appropriate writ or order calling for the records relating to the communication of the 2nd Respondent dated 18.11.2017 in No. 33537 of 2017-1/L5, quash the same and consequently direct the Respondents to hand over the administration to the trustees of the temples from whose hands the administration was taken over on the following among other grounds:

GROUND

- A. An Executive Officer can be appointed only under Sections 43-A, 45 or 75-C (4)(b) of the HR & CE Act 1959, in accordance with the principles laid down in this regard by the Hon'ble Supreme Court. In absence of such Orders under the aforesaid provisions, there is no valid appointment of Executive Officers and the continuance of office is illegal and ultra vires the provisions of HR & CE Act 1959 and the Constitution of India.
- B. The impugned order though refers to two communications while rejecting the representation of the Petitioner, in effect answers to only the petition dated 21.06.2017 with regard to scheme temples, while not responding to the complaints in one representation, it is clear that there is no clear application of mind in disposing of the representations.

- C. The respondents have not addressed the issues raised in the complaints properly and have issued a response rejecting the same in a mechanical manner.
- D. The Respondent ought to have verified and provided the copy of appointment of executive officers in response to the Petitioners complaint and cannot claim that they have been functioning under the Schemes, in view of the grounds further stated below.

GROUND WITH REGARD TO SCHEME TEMPLES:

- E. Section 64 of the HR & CE Act 1959, pertains only to settling of scheme and there is no power conferred to appoint Executive Officer under Section 64, Thus without appointing Executive Officer under Section 45 or other applicable provision and without making a case for every such appointment, an Executive Officer cannot be brought in by way of a scheme for the administration of a temple.
- F. Through the entire scheme of the Act, an Executive Officer can only be appointed by a Commissioner. Section 64 schemes are passed by Deputy Commissioner and any appointment made by the Deputy Commissioner is without jurisdiction and Ultra Vires the Act.
- G. The appointment and functioning of Executive Officers through scheme under Section 64 and not by way of an order under Section 45 or another empowering provision is arbitrary and a colourable exercise of power and violative of Article 14 of the Constitution.
- H. None of these schemes incorporating an Executive Officer provides reasons or the circumstances that led to the decision. In the absence of reasons,

appointment of Executive Officers via a scheme is otherwise invalid. In all cases the time limit for appointment of Executive Officer is not prescribed. Appointment of Executive Officers is only temporary and the absence of a time stipulation vitiates the very appointment. The said offices are clearly opposed to the dictum of the Hon'ble Supreme Court of India, laid down in *Sri la Sri Gnanasambanda Desiga Pandara Sannati vs. State of Madras (1965 AIR SC 1683)* and in *Dr. Subramanian Swamy & others vs. State of Tamil Nadu & others (2014) 5 SCC 75*.

- I. I respectfully submit that the schemes framed or modified for the above temples themselves, had no period of operation specified or any reasons stated as to why such schemes were needed to be framed or modified.

GROUNDS WITH REGARD TO CHAPTER VI TEMPLES:

- J. The provisions under Chapter VI of the 1959 Act contemplate further continuance of the notifications made under the previous enactments only for a period of one year from the date of insertion of Section 75-A i.e., up to 16.07.1966. Any further continuance of the notification ought to be done as prescribed under Section 75-B. In the absence of initiation of any such proceedings, the earlier notifications lapse and the temples are deemed to be released from the applicability of Chapter VI of HR & CE Act, 1959.
- K. In any event this Hon'ble Court, in the case reported in 1994 (1) LW 245 has struck down Section 75A, being contrary to the Supreme Court Judgment in AIR 1965 SC 1578, as ultra vires the Constitution and therefore as on date Section 75B also stands redundant.

- L. The continuance of executive officers in the temples mentioned in paragraph 30 are illegal and contrary to the provisions of 1959 Act, independent of the fact that the provisions have been struck down.
- M. The continuance of Executive Officers is in direct contravention of Section 75-B, wherein due procedure such as notice to show cause, calling for objections, report given by the commissioner to the Government etc., is arbitrary and violative of Article 14 of the Constitution.
- N. The continuance of the Executive Officers in the aforesaid cases apart from being contrary to the provisions of the 1959 Act, is violative of Right of the Trustees which can be traced to Article 14, 19, 25, 26 of the Constitution.
- O. I respectfully submit that the continuing illegal presence of the Executive Officers in these temples has caused enormous damage - to the cherished customs and traditions of the temples, to the valuable movable and immovable properties of the temples and caused permanent and irreparable damages to the heritage and antiquity of the temple structures, statuaries, murals and icons.
- P. I respectfully submit that, the actions of the respondents grossly violates the fundamental rights of the worshippers and trustees under Art 14, 21, 25, 26 and 29 (1) of the Constitution of India.
51. I respectfully submit that, the awareness in regard to the powers of State and the scope of the HR&CE Act, 1959 is very low among the public and even the officials concerned. I further respectfully submit that even the original trustees of the various temples are not familiar with the same. I further respectfully submit that the Judgment of the Hon'ble Supreme

Court in the Sabhanayagar case (2014) 5 SCC 75, has now clearly brought out that executive officers cannot be appointed by whims of the Officials and requires sufficient legal and justifiable grounds after following due procedure to appoint such officers.

52. I respectfully submit that the Executive Officers are salaried officers who are paid from the funds of the temple which essentially is the contribution of the people i.e., devotees. In the circumstances it is submitted that an officer appointed by the Government cannot continue in the absence of a valid order and this becomes an issue of improper and arbitrary exercise of powers by the Government en-masse, and an issue of public interest. It cannot be lost sight that humungous financials and properties are under the direct controls of these officers. In these circumstances it is just and necessary that the present Writ petitions are entertained.

53. I respectfully submit that the communication that is sought to be challenged is that of the 2nd respondent. The executive officers of various temples connected with the above writ petition, come under the direct supervision and control of the respondents herein. This writ petition is in regard to the conduct of the 2nd respondent and the Deputy Commissioners who were under his control. The Deputy Commissioners, as of today are differently constituted from the ones who passed the Schemes. (In so far as Scheme Temples are concerned). As far as the extension of the notification under Chapter VI is concerned, it is entirely a matter concerned with the office of the 2nd respondent's. In these circumstances, the separate impleadment of executive officers of all the temples does not arise as they are not necessary parties to this petition. It is further submitted that as already averred above, the list of temples are illustrative

and not exhaustive. It is further necessary to consider that impleadment of more than 50 executive officers will render the writ petition un-hearable within reasonable time as it will lead to various complications and will perpetuate the illegality of the petition being defended by all those executive officers from the funds of the temple where they are alleged to be present without any authority of law, thereby defeating the purpose of the above writ petition and effective adjudication. In any event, it is submitted that they are all coming under the respondents impleaded and are therefore suitably represented before this Hon'ble Court. For the aforementioned reasons, I am advised to state that the executive officers of all the concerned temples which have been referred to are not required to be, and are not independently impleaded.

54. I respectfully submit that, I have already preferred this writ petition earlier this year, which was returned for compliances, and owing to convenience of e-filing methodology, filing it afresh, including details of subsequent developments also. .

55. I respectfully submit that, I have a fair chance of success in the above writ petition and pending disposal of the same, if the officials above named continue to exercise, their functions as Executive Officers, serious prejudice will be caused. Further, the legal validity of the decisions made in the meanwhile, will be questionable, if the writ petition is allowed. In the circumstances, it is just and necessary that, interim measures are ordered by the Court to protect the interest of the deity of the temple and worshippers.

56. It is therefore humbly prayed that this Hon'ble Court may be pleased to pass an order an interim direction, directing the 2nd respondent to appoint persons having due qualifications under Section 25-A of the Tamil Nadu Hindu Religious Charitable and Endowments Act, 1959 and belonging to the religious Sampradayas of the temples concerned to administer religious institutions, pending disposal of the above Writ Petition and thus render justice.
57. I respectfully submit that, I do not have the original copy of the Communication dated 18.11.2017 of the 2nd Respondent at present. In the circumstances, I have filed a copy of the same
58. It is therefore humbly prayed that this Hon'ble Court may kindly be pleased to Dispense With the production of the original communication of the 2nd Respondent dated 18.11.2017 in No. 33537 of 2017-1/L5 and thus render justice.
59. I respectfully submit that the cases illustrated above are only those which the petitioner could find and it is possible that there are more temples of such nature where the Executive Officers have not been validly appointed.
60. In the circumstances it is prayed that this Hon'ble Court may be pleased to direct the respondents to produce the list of all temples where Executive Officers have been appointed by the 2nd respondent supported by the Original Appointment Order, before this Hon'ble Court, pending disposal of the Writ Petition and thus render Justice.

61. I respectfully submit I undertake to file such other details and records as I get in regard to the above issues and I reserve my right to file an additional affidavit in this regard.
62. In the circumstances, it is prayed that this Hon'ble Court may be pleased to issue a Writ of Certiorarified Mandamus, or any other appropriate writ or order calling for the records relating to the communication of the 2nd Respondent dated 18.11.2017 in No. 33537 of 2017-1/L5, quash the same and consequently direct the Respondents to hand over the administration to the trustees (or their descendants) of the temples from whose hands the administration were originally taken-over, where ever there are no Orders appointing Executive Officers under the Hindu Religious & Charitable Trust Act, 1959, and pass any such further or other Orders as this Hon'ble Court may deem fit in the facts and circumstances of the case and thus render Justice.

Solemnly affirmed at Madras on
this the 6th day of September, 2020
and signed his name in my presence

BEFORE ME

ADVOCATE, MADRAS