



W.P.(MD).No.24179 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:02.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

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B.Velmurugan

... Petitioner

Vs.

1.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment Board,
Sivagangai.

2.Ram Kumar

3.Chellam

4.Asai mayandi

5.Soundara pandi

6.Siva Shankar

7.Seenivasan

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to take appropriate action against the respondents 3 to 7, prevent them from



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demanding and collecting money from the petitioner and other devotees, for doing Poojas and rituals, by disposing his representation dated 09.09.2023.

For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.R.Subbaraj
Special Government Pleader
for R1
Mr.G.Hariharan for R2
Mr.J.Vijaya Raja for R3 to R7

ORDER

The petitioner has filed this writ petition for a Mandamus, directing the first respondent to take action as against the respondents 3 to 7, who are the Poojaris of Sree Gurunatha Swamy Thirukoil, Mudukkangulam, Kariapatti Taluk and prevent them from collecting money from the devotees for doing poojas and festival by considering his representation dated 09.09.2023.

2. The learned counsel appearing for the petitioner submits that these poojaris are collecting exorbitant amount from the devotees. However, the second respondent, a hereditary trustee, is not taking any action as against the respondents 3 to 7. He further submits that the



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petitioner, as a devotee, has raised this issue with the first respondent/the Joint Commissioner of HR&CE Department, but, the Joint Commissioner has also failed to take action.

3. The second respondent has filed a counter affidavit stating that he is a hereditary trustee, however, he is not in a position to control the respondents 3 to 7. The 3rd respondent has also filed a suit in O.S.No.65 of 2021 before the Principal District Munsif Court, Aruppukottai and obtained a temporary injunction against the second respondent from interfering with the poojas in I.A.No.1 of 2021 dated 30.04.2021. Therefore, he is not in a position to take action as against Poojaris. The learned counsel for the second respondent confirmed the allegation of the petitioner. The learned counsel further submits that as against the order passed in I.A.No.1 of 2021, the second respondent has filed an appeal before the Sub Court, Aruppukottai in C.M.A.No.4 of 2021. However, the said appeal was dismissed on 05.07.2023.

4. The learned counsel appearing for the respondents 3 to 7 submits that this Writ Petition itself is sponsored by the second



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respondent and the second respondent has put up a separate hundi in the guise of collection for Annadanam over the hundi which was erected by the Hindu Religious and Charitable Endowments Department and is collecting donations separately. This has been questioned by the respondents 3 to 7 and the respondents 3 to 7 have lodged a separate complaint before the first respondent and therefore, the second respondent has triggered the petitioner to evict the respondents 3 to 7 from Poojariship. Hence, the third respondent was constrained to file a suit against the second respondent and also got an order of temporary injunction as against the second respondent. Thereafter, the present Writ Petition has been filed to take action as against the respondents 3 to 7.

5. This Court considered the rival submissions made by both sides.

6. The petitioner, as a devotee, has filed the present Writ Petition by making an allegation that the respondents 3 to 7 are collecting exorbitant amounts from the devotees. However, the respondents 3 to 7 claimed that they have lodged a complaint before the first respondent against the second respondent for having collected money in the name of



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Annadhanam, by putting up a separate hundi and therefore, the second respondent has triggered the petitioner to file this Writ Petition against them. But this Court is not inclined to conduct a detailed enquiry with regard to the allegations and counter allegations made by both the parties. However, this Court directs the first respondent to conduct enquiry and take appropriate action against those who have violated the Act and Rules, by providing an opportunity of hearing to the petitioner as well as the respondent Nos.2 to 7.

7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

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Index: Yes/No
Internet: Yes/No
ssb

To

The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment Board,
Sivagangai.



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B.PUGALENDHI, J.

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