



W.P(MD)No.27931 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.27931 of 2023

Ramachandran .V

... Petitioner

Vs

- 1.The Union Government of India,
Represented by its Secretary,
Archaeology Department,
New Delhi.
- 2.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Hindu Religious and Charitable
Endowment Department,
Secretariat,
Chennai - 600 009.
- 3.The Commissioner of HR and CE,
No.119, Nungambakkam High Road,
Chennai - 34.
- 4.The District Collector,
Kanyakumari District,
At Nagercoil.
- 5.The Executive Officer Cum Joint Commissioner,
Thiruvattar Aathi Kesava Temple Thirukoilkal Office,



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Suseendrum,
Suseendrum Post,
Kanyakumari District.

6.The Director of Archaeology,
Tamil Nadu Archaeology Department,
Egmore,
Chennai - 600 008.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to maintain a register to account the valuable ornaments available in the Thiruvattar Sree Aathi Kesava Perumal Temple and to take action to recover the stolen ornaments, the valuable things available in the demolition of a room situated in the North West Corner and silver Vahanas of the Thiruvattar Sree Aathi Kesava Perumal Temple during the course of renovation work held during 2022 and consequently except the Poojari the respondents prevent others from entering into the Sanctum Santorum (Karpagraham or Karuvarai) in the Thiruvattar Sree Aathi Kesava Perumal Temple situated at Kanyakumari District to protect the holiness of the temple.

For Petitioner : Mr.S.Sivakumar
For R2 to R4 & R6 : Mr.Veerakathiravan
Additional Advocate General
Assisted by
Mr.P.Subba Raj
Special Government Pleader



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For R5

: Mr.R.Shankar Ganesh

ORDER

The petitioner is an ex-serviceman and was working as a security in Thiruvattar Sree Aathi Kesava Perumal Temple. He has filed this writ petition for a Mandamus, directing the respondents to maintain the registers and to account all the valuables of the temple and to take action to recover the stolen valuables of the temple.

2.The case of the petitioner is that Thiruvattar Sree Aathi Kesava Perumal Temple is situated in Kanyakumari District and the said temple is worshiped as one of 108 Divya Desams. There are secret rooms to keep the valuable things belong to the temple. During reign of Thiruvithancore Samasthanam, the rulers of the Kingdom donated gold ornaments to the temple. Now the temple keys are available with the Poojari of the temple and the Executive Officer. After renovating the temple, Kumbhabisekam was performed on 05.07.2022 to 07.07.2022. According to the petitioner, during the course of renovation, a strong room in the temple was



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demolished. The Executive authorities instead of maintaining the superstructure have demolished the room under the guise of renovation and at the time of demolishing the strong room, except the poosaris, no other persons were permitted to enter into the Sanctum Sanctorum of the temple. After the renovation, 26 metal Bimbams in the south west corner of the temple are not available. More over, certain valuable things of the temple were stolen. Therefore, the petitioner has submitted several representations on 26.10.2022, 31.12.2022, 02.06.2023, 06.07.2023 and 07.07.2023 to take action against the persons, who have committed the offence. However, no action has been taken by the respondents. Hence, the petitioner has approached this Court with this writ petition.

3.In response to this writ petition, the learned Additional Advocate General by relying upon the typed set of papers submits that the alleged room on the northern side was removed on the directions of the Archeology Department, Government of India and it is not indeed a strong room. It is an arrangement made for office



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purpose. The learned Additional Advocate General by referring to the document placed before this Court submits that all the valuables of the temple are preserved in a strong room.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The allegations made by the petitioner as against the temple authorities are without any basis. The petitioner's concern is with regard to the removal of the room, which was on the northern side of the temple. The said room is a temporary structure made by the Temple administration for some official purpose and the same was removed during the renovation of the temple. It appears that on the directions of the Archeology Department, the room was removed. The proceedings issued by the Superintending Archaeologist, dated 19.03.2015 is also produced before this Court. Perusal of the documents placed before this Court reveals that some of the properties including golden angi of the deity were stolen in



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the year 1992, wherein, a criminal prosecution was initiated and the concerned police failed to secure the accused. However, some of the ornaments have been recovered during the course of investigation. The concerned Magistrate while dispose of the criminal case has passed a property order under Section 452 of Cr.P.C.

6.In view of the above, this Court is not inclined to entertain this writ petition. The temple administration shall prosecute the case diligently and to recover the property of the temple and to restore the ornaments including the Golden Angi as expeditiously as possible. Accordingly, this writ petition is dismissed. No costs.

06.12.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes
vrn



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B.PUGALENDHI, J.

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