

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7749 of 2015 & Mp.No.1/2015

R.Kamaraj

..Petitioner

Versus

1. The Commissioner,
Hindu Religious & Charitable Endowment Department,
Uthamar Gandhi Salai,
Chennai-34.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Thanjavur, Thanjavur District.
3. The District Collector,
Collectorate, Nagapattinam District,
Nagapattinam.
4. The Superintendent of Police,
District Police Office,
Nagapattinam District,
Nagapattinam.
5. Subramanian,
S/o. Murugaiah Kuruvapulam South
Vedaranyam Taluk,
Nagapattinam District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of MANDAMUS directing the first & second respondents to take legal steps to bring the temples namely Arulmighu Sri Rudra Lingeswara Temple, Sri Ayyanar Koil, Sri Veeramaga Kalamman Temple & Sri Santhana Mariamman Temple situate at Kurvapulam Village, Vedaranyam Taluk, Nagapattinam District under the control and administration of the Tamil Nadu Hindu Religious and Charitable Endowment Department, within the time stipulated by this Honourable Court.

For Petitioner : Mr.K.M.Subramaniam
For R1 and R2 : Mr.M.L.Mahendran, GA
For R3 and R4 : Mr.R.Vijayakumar, AGP

ORDER

Heard Mr.K.M.Subramaniam, learned counsel for the petitioner; Mr.M.L.Mahendran, learned Government Advocate accepting notice for the respondents 1 and 2 and Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice for the respondents 3 and 4 and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner seeks for issuance of a writ of mandamus to direct the 1st and 2nd respondents to take legal steps to bring the temples namely Arulmighu Sri Rudra Lingeswara Temple, Sri Ayyanar Koil, Sri Veeramaga Kaliamman Temple & Sri Santhana Mariamman Temple situate at Kurvapulam Village, Vedaranyam Taluk, Nagapattinam District under the control and administration of the Tamil Nadu Hindu Religious and Charitable Endowment Department, within the time stipulated by this Honourable Court.

3.According to the petitioner, the Temples in question should be brought under the control of the Hindu Religious and Charitable Endowment Department [HR&CE Department], and the Kumbhabishekam has to be performed in the proper manner by involving all persons who are the worshipping public of the said Temples.

4.The learned Government Advocate appearing for the respondents 1 and 2, on instructions from the respondent Department, submitted that the request made for bringing the temples under the control of HR&CE Department has been considered and the Assistant Commissioner, Hindu Religious and Charitable Endowment Department, Nagapattinam, in exercise of his powers conferred under Section 49 [1] of the Hindu Religious and Charitable Endowment Act, has passed an order on 17.01.2014 appointing a fit person for the Temples who is the Executive Officer. It is submitted by the learned Government Advocate that there are some local issues which prevents the fit person from exercising his rights in terms of the order dated 17.01.2014.

5.In the light of the fact that already action has been taken by the HR&CE Department and the fit person has been appointed, the relief sought for by the petitioner stands redressed. However, the petitioner seeks for appropriate directions with regard to conduct of Kumbhabishekam of the temples and other matters. These issues cannot be gone into at this stage of the matter since the writ petition is disposed of at the admission stage without notice to the 5th respondent against whom certain allegations have been made and he is said to be the President of the Committee constituted for the purpose of performing the Kumbabhishekam.

6.In the light of the fact that the fit person is appointed, the fit person is directed to proceed in accordance with law so as to enable the Kumbabhishekam and other festivals of the temples to be properly conducted in the manner known to law. If there is any local problems, it is always open to the fit person to approach the respondents 3 and 4 for appropriate reliefs.

7.The writ petition stands disposed of with the above observations. No costs. Consequently, the connected MP is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP/gya

To

1. The Commissioner,
Hindu Religious & Charitable Endowment Department,
Uthamar Gandhi Salai, Chennai-34.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Thanjavur, Thanjavur District.
3. The District Collector,
Collectorate, Nagapattinam District,
Nagapattinam.
4. The Superintendent of Police,
District Police Office, Nagapattinam District,
Nagapattinam.

+ 1 cc to Mr.K.M.Subramanian, Advocate SR.15670

+ 1 cc Government Pleader Sr.15950

GR(CO)

EU 01.04.2015

सत्यमेव जयते

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