BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2015

CORAM:
THE HONOURABLE DR.JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

W.P(MD)No.4205 of 2015

M.Krishna ... Petitioner

Vs.

1.State of Tamil Nadu,
rep through its
Secretary,
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Fort St., George,
Chennai 600 009.

2.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Nungambakkam
Chennai 600 034.

3.The Joint Commissioner / Executive Officer,
Arulmigu Sri Renganatha Swami Temple,
Sri Rangam,
Trichirappalli 620 006.

4.The Chairman,
Board of Trustees,
Arulmigu Sri Renganatha Swami Temple,
Sri Rangam,
Trichirappalli 620 006. ... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents herein to constitute the Thiruppani Committee and carry on the renovation work of Srirangam Temple in strict adherence to the Management and Preservation of Temple Properties Rules framed under Tamil Nadu H.R & C.E Act.

For Petitioner : Mr.M.Krishna(Party in Person)
For Respondents 1&2 : Mr.V.R.Shanmuganathan
Special Government Pleader.

For Respondents 3 & 4 : Mr.K.Govindarajan

ORDER

(Order of the Court was made by **S.TAMILVANAN,J**)

The petitioner, Party-in-Person has come forward with this writ petition seeking an order in the nature of writ of mandamus, directing the respondents to constitute Thiruppani Committee and carry on the renovation work at Srirangam Temple adherence to the management and preservation of temple properties as per the Rules framed under Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

2.The Party-in-Person is a practising lawyer. He submitted that he is a devotee of Sri Ranganatha Swami, Srirangam.

3.It is not in dispute that renovation work is being done by the respondents 1 to 4.

4.Mr.K.Govindarajan, learned counsel for the respondents 3 and 4 submitted that almost 85% of the renovation work is over and as per the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and the Rules framed thereunder, everything is being done under the guidance of the respondents 1 and 2.

5.Learned Special Government Pleader for the respondents 1 and 2 further submitted that earlier a similar writ petition was filed by one A.Krishnamachari in W.P.(MD)No.17194 of 2014 and that was disposed of by the earlier Bench on 12.11.2014.

6.According to the learned counsel for the respondents 3 and 4 only at the instigation of the earlier petitioner, after the disposal of the said writ petition, the present writ petition came to be filed to stall the completion of the renovation work of Sri Ranganatha Swami Temple in the name of devotee.

7.Per contra, the petitioner, Party-in-Person submits that he is nothing to do with the earlier writ petitioner and he has filed this writ petition independently.

8.However, it cannot be disputed that the relief sought for is more or less similar to that of the earlier writ petition in the nature of PIL. In this regard, the petitioner, Party-in-person referred to Rule 53 of the Management and Preservation of Properties of Religious Institution Rules and rule 53 of the Rules reads as follows:-

> *"53.Formation of Thiruppani committees:-In the case of temples requiring renovation or "Thiruppani" works and in need of donations from the public Thiruppani Committee shall be formed for each such temple for the purpose."*

9.Learned Special Government Pleader submits that no donation is received for the renovation purpose. It is only by Hindu Religious and Charitable Endowment Department with its Executive Officer/the Joint Commissioner, the third respondent herein the renovation work is being done. Already Expert Committee was appointed, hence, the present writ petition is only a vexatious litigation.

10.On the aforesaid circumstances, the petitioner Party-in- Person cannot raise a plea against the renovation work which has been completed to an extent of 85%. In this regard, we want to refer the rule 53 of the Management and Preservation of Properties of Religious Institution Rules. It clearly states that in case of temple requiring renovation or Thiruppani works and if donation is needed from the public, Thiruppani committee shall be formed. In the instant case, admittedly, the work is being done only by the Hindu Religious and Charitable Endowment Department. The Executive Officer of the temple in the cadre of Joint Registrar is doing the renovation work and there is board of trustees headed by a Chairman of Sri Renganatha Swami Temple, Sri Rangam.

11.On the said circumstances, the petitioner, Party-in-Person cannot say that another committee could be the expert committee that will give room for certain people claiming right without any authority. It is the public temple and renovation and Thiruppani works shall be done only by Hindu Religious and Charitable Endowment Department under the guidance of the Government and therefore, no other person by way of claiming hereditary right or otherwise can claim parallel right when it is a temple under the Administratio of Hindu Religious and Charitable Endowment Board and further there is proper auditing by Accountant General of the State. Without issuing receipt or making entries, money cannot be collected by the third respondent for construction and renovation and similarly experts are being used as per procedure known to law and therefore, we are of the view that the relief sought for by the petitioner, Party-in-Person, at this stage, is no way sustainable in law. Except saying that he is a worshipper, the petitioner, Party-in-Person cannot claim any special right to constitute a separate Thiruppani committee to carry on the renovation work of the famous Sri Renganatha Swami temple at Sri Rangam. However, to meet the ends of justice, we find it just and reasonable to direct the respondents to take proper care in maintaining the temple as per the tradition and spend the expenses only for the betterment of the temple considering the welfare of the devotees.

12.On an earlier occasion the Division Bench of this court disposed of the earlier writ petition in W.P(MD)No.17194 of 2014 by an order dated 12.11.2014 directing the petitioner therein to give the requisite inputs to the Commissioner, HR & CE Department, the second respondent herein and therefore, we are of the view that there is no need to pass any further order in this writ petition, hence, this writ petition is liable to be dismissed.

13.In the result, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary,
Government of Tamil Nadu,
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Fort St., George, Chennai 600 009.

2.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Nungambakkam, Chennai 600 034.

3.The Joint Commissioner / Executive Officer,
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4.The Chairman,
Board of Trustees,
Arulmigu Sri Renganatha Swami Temple,
Sri Rangam,
Trichirappalli 620 006.

+1cc to Mr.M.Krishna, Advocate Sr.No.14569
+1cc to Mr.K.Govindarajan, Advocate Sr.No.14270
sms
AA/16.04.2015/4p- 7c/

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