

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 17.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20640/2016 & WMP.No.17715/2016

Shanmugam

.. Petitioner

Versus

- 1.The Commissioner
Hindu Religious & Charitable Endowment
Department, Nungambakkam,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious & Charitable Endowment
Department, Villupuram.
- 3.The Joint Commissioner
Hindu Religious & Charitable Endowment
Department, Vellore.
- 4.The Assistant Commissioner
Hindu Religious & Charitable Endowment
Department, Villupuram.
- 5.The Inspector,
Hindu Religious & Charitable Endowment
Department, Villupuram.
- 6.The Superintendent of Police
Villupuram District, Villupuram.
- 7.S.Velmurugan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents 1 to 6 not to permit any Thirupani or Kumbabeshekam works in Arulmigu Ayyanar, Pidari, Mariamman and Kamatchi Amman temples, Kosappalayam Village, Villupuram Taluk except in accordance with the Management and Preservation of the properties of Religious Institutions Rules, 1964 and thereby forbear the 7th respondent and his group from conducting Kumbabeshekam or Thirupani work in the above said temple.

For Petitioner : Mr.N.Suresh
For RR 1 to 5 : Mrs.Rita Chandrasekar,
Spl.GP [HR&CE]
For R6 : Mr.R.Govindasamy, Spl.GP
For R7 : Mr.V.Lakshminarayanan

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner, on an earlier occasion, had approached this Court, by filing WP.No.7960/2015, challenging the order passed by the 2nd respondent therein dated 12.03.2015 in OA.No.8/2012 and also to forbear the respondents from interfering with his Management and administration of the temple in question and further that the trusteeship is hereditary in nature and the hereditary trustees have been performing their duties all the years. A Single Bench of this Court, upon hearing the submissions of the learned counsel for the petitioner and the learned counsel appearing for the official respondents, had allowed the writ petition on 24.03.2015, restraining the respondents from interfering the petitioner's Management and administration of the temple.

3 The 19th respondent in the said writ petition, aggrieved by the fact that he was not put on notice before passing the orders in the said writ petition, filed WA.No.1353/2015 and it was disposed of by a Division Bench of this Court, permitting him to approach the learned Single Judge to file a review application to review the above said order. Accordingly, S.Velmurugan, the 7th respondent herein filed Rev.Appln.No.264/2015 and it was allowed on 19.11.2015 and it is relevant to extract the following in the said order:-

"5.The learned counsel appearing for the first respondent herein/petitioner in the writ petition contended that the writ petitioner is in possession and the Management and Administration of the temple.

6.In the light of the above, this Court is of the view that the observation made in paragraph 13 to the said effect is superfluous since this Court has set aside the order made in OA.No.8/2012 and remitted the matter to the Joint Commissioner for consideration afresh.

7. Accordingly, paragraph 13 of the order is modified to the following effect:-

"In the result, the writ petition is allowed with the above direction and it is open to the parties to adjudicate their rights in OA.No.8/2012 and the party who is in Management and Administration of the temple shall continue, subject to the orders that may be passed by the Joint Commissioner in OA.No.8/2012."

8. In the result, this Review Petition is allowed."

4 The petitioner, praying for an earlier disposal of OA.No.8/2012, pending on the file of the 2nd respondent herein, has filed WP.No.3540/2016 and it was disposed of on 01.02.2016, directing the 2nd respondent to dispose of the said application within the stipulated time frame, after affording an opportunity to all the parties. According to the petitioner, the said OA.No.8/2012 is yet to be disposed of, despite the directions for its early disposal in WP.No.3540/2016.

5 Mr.N.Suresh, learned counsel for the petitioner would submit that in series of litigations, a positive finding has been given that the petitioner is in Management and Administration/affairs of the temple and the 7th respondent, without obtaining permission, whatsoever, has published pamphlets, stating that the consecration ceremony in respect of the temple is to be held between 21.06.2016 and 23.06.2016 and in this regard, has also submitted a representation to the 4th respondent and however, no orders have been passed. It is also the submission of the learned counsel for the petitioner that the 5th respondent has also lodged a complaint on the file of the Inspector of Police, Villupuram, stating that using the temple's name, donations have been collected and the consecration ceremony is going to be conducted without any prior permission and in the light of the facts and circumstances, this Court may direct the official respondents not to permit the 7th respondent to conduct any consecration or other ceremonies in respect of the temple in question and prays for appropriate orders.

6 Per contra, Mrs.Rita Chandrasekar, learned Special Government Pleader [HR&CE] who accepts notice on behalf of the respondents 1 to 5 would submit that a Peace Committee Meeting is going to be conducted by the jurisdictional Revenue Divisional Officer and the Tahsildar and the petitioner as well

as the 7th respondent have also been summoned to take a decisions and on instructions, would further submit that since pamphlets have already been printed for consecration ceremony to be conducted between 21.06.2016 and 23.06.2016, the stoppage of the same, will leave to resentment among the worshipping public and is also likely to affect the sentiments and undertook to communicate the decision in respect of the orders passed on the representation dated 02.04.2016 submitted by the petitioner to the 4th respondent.

7 Mr.V.Lakshminarayanan, learned counsel who accepts notice on behalf of the 7th respondent would contend that the petitioner repeatedly submitting representations to the officials of Hindu Religious and Charitable Endowment Department, by placing reliance upon the order dated 24.03.2015 made in WP.No.7960/2015, suppressing the fact that the said order was the subject matter of the review application No.264/2015 and it came to be allowed on 19.11.2015 and even in the said order, it has not been specifically indicated that the petitioner is in Management and affairs of the temple in question. He would submit that the petitioner is also guilty of suppression of very many material facts and prays for dismissal of the writ petition.

8 Heard the submissions of Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the 6th respondent.

9 This Court considered the rival submissions and also perused the materials placed before it.

10 In the light of the stand taken by the learned Special Government Pleader [HR&CE] appearing for the respondents 1 to 5, to the effect that a Peace Committee Meeting is to be held by the jurisdictional Revenue Divisional Officer and the Tahsildar in the presence of the petitioner and the 7th respondent, coupled with the undertaking given by the learned Special Government Pleader [HR&CE] that the representation submitted by the petitioner to the 4th respondent dated 02.04.2016 will be disposed of at an early date, the writ petition is disposed of as follows:-

[1] The 4th respondent is directed to dispose of the representation dated 02.04.2016 submitted by the petitioner in accordance with law, after taking note of the order dated 19.11.2015 made in Review Application No.264/2015.

[2]The 3rd respondent is also directed to dispose of OA.No.8/2012 pending on its file in the light of the order dated 01.02.2016 made in WP.No.3540/2016 in accordance with law and

both the officials, viz., the 3rd and 4th respondents, are directed to put the 7th respondent on notice before passing the orders.

[3] In the light of the fact that the consecration ceremony of the temple in question, is going to be held between 21.06.2016 and 23.06.2016 and also the stand of the official respondents that in the event of stoppage of the same may lead to resentment among the worshiping public and also affect the sentiments, this Court permits the said ceremony to go on and also make it clear that by virtue of the performance of the said consecration ceremony, the 7th respondent cannot claim that he is in Management and administration/affairs of the said temple and it is for the 3rd respondent to adjudicate the said issue in pending OA.No.8/2012. No costs.

Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

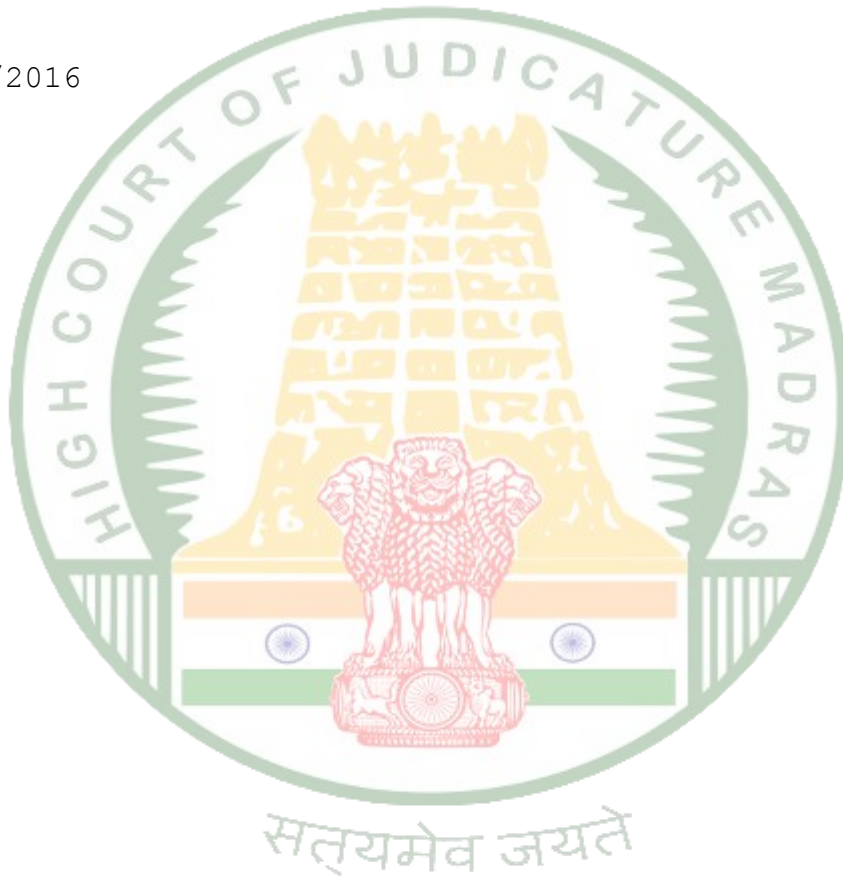
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- 5.The Inspector,
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Department, Villupuram.

6.The Superintendent of Police,
Villupuram District, Villupuram.

+1cc to Government Pleader Sr.34305
+1cc to Mr.N.Suresh, Advocate Sr.34296
+1cc to Mr.V.Raghavachari, Advocate Sr.33370

W.P.No.20640/2016

svi[co]
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