



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.10188 of 2014
and

M.P (MD) No.1 of 2014 and W.M.P (MD) Nos.8736 and 16124 of 2016

M.V.S.Rajendranath

.. Petitioner

Vs.

1. The Secretary to Government,
Tamil Development, Religious Endowment and
Information Department, Secretariat,
Chennai - 09.
2. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai.
3. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Tirunelveli Religion, Tirunelveli.
4. The Executive Officer,
A/m.Muthumalaiamman Thirukkivil,
Mukkoodal, Ambasamuthiram Taluk,
Tirunelveli District.
5. The Executive Officer (Thakkar),
Arulmigu Kasibanathar Swami Thirukkivil,
Ambasamuthiram, Tirunelveli District.
6. The District Collector,
Tirunelveli District, Tirunelveli.
7. The Superintendent of Police,
Thirunelveli District, Tirunelveli.
8. The Inspector of Police,
Mukkoodal Police Station,
Tirunelveli District.



9.D.S.A.Sivaprakasam
10.L.Panneer
11.P.V.Pitchumani
12.Ponraj
13.Pooraj
14.S.Shanmuganathan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the official respondents Nos.1 to 8 to recover the amount illegally collected by the respondents Nos.9 to 14 from the year 2007 itself by strictly following the clear speaking order passed by the second respondent in his proceedings in Se.Mu.Na.Ka.No.4667/2013/A3/dated 21.08.2013.

For Petitioner	: Mr.R.Sevugaraja
For Respondents	: Mr.D.Muruganandam,
1 to 3 and 6 to 8	Additional Government Pleader.
For Respondents	: No appearance
4,5 and 9 to 14	

ORDER

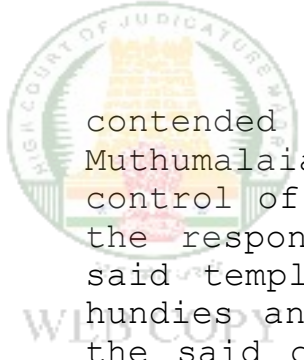
[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 8 to recover the amounts collected illegally by the respondents 9 to 14 from the year 2007 by way of passing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Loganathan Nagar First Street, Soolaimedu, Chennai. Further it is averred in the petition that in Mukkoodal, Tirunelveli District, there is a temple by name Arulmigu Muthumalaiammal Thirukkivil. The respondents 9 to 14 have put up separate hundials from the year 2007 and collected huge amounts and the same has been reported to the third respondent. The third respondent after considering the allegations made in the complaint has passed a detailed order dated 21.08.2013, wherein it is clearly found that the respondents 9 to 14 have collected money illegally and the same should be recovered. Despite of the order passed by the third respondent, the respondents 9 to 14 are doing their illegal practice. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel appearing for the petitioner has



contended that in Mukkoodal, Tirunelveli District, Arulmigu Muthumalaiamman Temple is situate and the same is under the direct control of Hindu Religious and Charitable Endowment Department and the respondents 9 to 14 have no connection whatsoever with the said temple, but by using their powers they installed separate hundies and collected huge amounts from the year 2007 and under the said circumstances the third respondent has passed the order dated 21.08.2013 and even after passing of the said order, no action has been taken by the authorities and under the said circumstances the present writ petition has been filed for getting the relief sought therein.

4.It is seen from the order dated 21.08.2013 passed by the third respondent to the effect that some illegal collection of amounts have been done for several years. The third respondent after considering the allegations placed before him has directed the concerned authorities to recover the amounts illegally collected. The present writ petition has been filed so as to direct the respondents 1 to 8 by way of writ of mandamus to recover the amounts illegally collected by the respondents 9 to 14.

5.Since in the order dated 21.08.2013, the third respondent has clearly admitted the main allegation putforth before him and also held that illegal collections have been made and directed to recover the same, this Court is of the view that the entire contentions putforth on the side of the petitioner are absolutely correct.

6.Since the respondents 9 to 14 are not having any semblance of right in the matter of collection of money in Arulmigu Muthumalaiamman Temple, this Court is of the view to grant the relief sought in the petition.

7.In fine, this writ petition is allowed without costs and the respondents 1 to 8 are strictly directed to recover the amounts illegally collected by the respondents 9 to 14 within a period of two months. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar



To

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8. The Inspector of Police,
Mukkoodal Police Station,
Tirunelveli District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 80871

+ 1 CC TO Mr.R.SEVUGARAJA, ADVOCATE IN SR No. 80626

SMN

TE/SKS-RR/SAR-II : 16/12/2016 : 4P/11C

ORDER MADE IN
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and

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