



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.21962 of 2016

and

W.M.P. (MD) Nos.15695 & 15696 of 2016

N.Krishnamoorthy

... Petitioner

Vs.

1. The District Collector,
District Collector Office,
Trichy-1, Trichy District.

2. The Commissioner, (HR&CE),
Hindu Religious and Charitable Endowment,
Chennai - 34.

3. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Uthamarkovil Devasthanam Premises,
Pikchandarkovil Post,
Manachanallur Taluk, Trichy District.

4. The Executive Officer,
Arulmighu Brammapureeswarar Temple,
Thiruppattur Village,
Manachanallur Taluk,
Trichy District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the fourth respondent proceedings made in Ve.Aa.No.304/2016/Se, Ma.Tho.A/Trichy/dated 08.11.2016 and to quash the same.

For Petitioner : Mr.R.Sundar

For Respondents : Mr.N.S.Karthikeyan

Additional Government Pleader

O R D E R

Being aggrieved by the Tender Notice issued by the fourth respondent, dated 08.11.2016, the petitioner has filed the present petition mainly by contending that the HR&CE Department is not



having any right over the fourth respondent temple, as the said temple is not coming under their purview or control either under the listed or under the non-listed temples.

2. Though both sides have relied on some proceedings in support of their respective claim, the fact remains that the petitioner himself has gone before a Civil Court and filed a suit in O.S.No.217 of 2016, on the file of the District Munsif, Lalgudi against the HR&CE Department seeking the relief of declaration that the temple in dispute is a denomination temple, belonging to Reddiar community and that they are entitled to manage and administer the said temple and consequently, for permanent injunction restraining the HR&CE Department from interfering with the management and administration of the suit property. It is also stated by the respondents in the counter affidavit that one Mr.Natarajan has filed a petition in O.A.No.1 of 2012, on the file of the Deputy Commissioner of HR&CE under Section 63(b) of the Act for appointing him as the Hereditary Trustee and the same is also pending adjudication.

3. When being the factual position, I do not think that this Court, at this stage can give any finding with regard to the respective claim of the parties in respect of the subject matter temple, as the said issue has been seized of by the Civil Court in the aforesaid suit. Therefore, it is for the respective parties to agitate their claim and right only before the said Court where the suit is pending. However, during the pendency of the suit before the Civil Court, if the impugned tender process is permitted to go on and a successful bidder is chosen for selling the Pooja materials for the devotees visiting the temple, the petitioner will not be prejudiced. After all, it is for the benefit of the devotees and therefore, neither party will be affected, if the tender process is allowed to be completed, without prejudice to their respective rights in the suit. Accordingly, this Writ petition is disposed of by allowing the HR&CE Department to go ahead with the impugned tender process, however, without prejudice to the rights and contentions of the Writ petitioner in the suit which is pending in O.S.No.217 of 2016.

4. The learned District Munsif, Lalgudi is directed to take up the said suit and dispose the same on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)



To

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5. The Executive Officer,
Arulmighu Brammapureeswarar Temple,
Thiruppattur Village,
Manachanallur Taluk,
Trichy District.

+ 1 CC TO Mr.R.SUNDAR, ADVOCATE IN SR No. 81148

PMU

TE/SKS-RR/SAR-II : 22/12/2016 : 3P/7C (IT)

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