

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.7.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Writ Appeal No.1446 of 2015

1. Sithanathan (Deceased)
2. Pachaiyammal
3. Selvi
4. Thangadurai

... Appellants

[Appellants 2 to 4 brought on record
as LRs of the Deceased sole appellant
vide order dated 30.3.2016 made in
CMP No.5247 of 2016]

Vs.

1. The State of Tamil Nadu
rep. by its Secretary to Government
Hindu Religious and Charitable
Endowment Department
Fort St. George
Chennai 600 009.
2. The Commissioner
Hindu Religious and Charitable
Endowment Department
Nungambakkam
Chennai 600 034.
3. The Joint Commissioner
Hindu Religious and Charitable
Endowment Department
Villupuram
Villupuram District.
4. The Assistant Commissioner
Hindu Religious and Charitable
Endowment Department
Cuddalore District
Cuddalore.

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5. The Executive Officer
Hindu Religious and Charitable
Endowment Department
Thittagudi
Cuddalore District.

.. Respondents

Appeal under Clause 15 of the Letters Patent directed against the order dated 01.9.2015 made in W.P.No.18318 of 2015.

WP.No.18318 of 2015:filed under section act 226 Constitution of India to issue a Writ of Certorari to call for the records of the impugned order passed by the Second Respondent made in Ni.Mu.No.51787/2014/A1 dated 10.10.2014 and QUASH the same as illegal.

For Appellants : Mr.R.Sankarasubbu
For Respondents 1 to 4 : Mr.M.Maharaja
Spl.G.P. (HR & CE)
For Respondent-5 : Mr.R.Kannan

J U D G M E N T

(Delivered by Huluvadi G.Ramesh,J)

This appeal is directed against the order dated 01.9.2015 made in W.P.No.18318 of 2015.

2. Heard the learned counsel appearing for all the parties.

3. According to the first appellant, who was the writ petitioner, he was the Hereditary Trustee of Arulmigu Angala Parameshwari and Periyamayaki Amman Thirukoivil, Korakkavadi Village, Thittagudi Taluk, Cuddalore District and the said temple was maintained by his ancestors and thereafter, by him. The land in which the temple was located belong to him and that he was paying property tax for the same. He was the Poojari of the said temple. All of a sudden, the Department took over the management of the temple and therefore, he made a representation to the respondents 1 to 3 to return the key of the temple and to handover possession of the temple. As no order was passed on the said representation, the first appellant filed the writ petition seeking a direction to consider his representation and to permit him to enter into the temple.

4. The learned single Judge disposed of the writ petition, directing the first appellant to continue to function as a Poojari, but not to deal with the administration of the temple and the hundial and also directing the respondents to take appropriate steps with regard to the continuance of the first appellant as Poojari as per law. Challenging the said order, the appeal has been filed.

5. During the pendency of the appeal, the sole appellant died and therefore, his legal heirs were brought on record as appellants 2 to 4.

6. The question whether the property in which the temple is located belong to the appellants or not and whether the appellants are entitled to function as Poojaris, cannot be decided by this Court and the same has to be decided by the appropriate Court. Therefore, the appellants are at liberty to file an appeal before the appropriate authority, namely the Joint Commissioner of the Hindu Religious and Charitable Endowment Department, under Section 63B, within a period of 15 days from the date of receipt of a copy of this order. On filing of such appeal, the Joint Commissioner shall dispose of the same within a period of three months thereafter. Till the disposal of such appeal, the appellants are permitted to function as Poojari.

7. The writ appeal is disposed of accordingly. However, there shall be no order as to costs. Consequently, M.P.No.1 of 2015 is closed and CMP No.3311 of 2017 is dismissed as withdrawn, in view of the endorsement made by the learned counsel for the appellants.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

kpl

Sub Assistant Registrar

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To

1. The Secretary to Government
Hindu Religious and Charitable Endowment Department
Fort St. George, Chennai 600 009.
2. The Commissioner
Hindu Religious and Charitable Endowment Department
Nungambakkam, Chennai 600 034.
3. The Joint Commissioner
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Hindu Religious and Charitable Endowment Department
Cuddalore District, Cuddalore.
5. The Executive Officer
Hindu Religious and Charitable Endowment Department
Thittagudi, Cuddalore District.

+1 cc to M/s.R.Kannan Advocate sr 46488
+1 cc to M/s.R.Sankarasubbu Advocate sr 47121
+1 cc to the Government Pleader sr 47114

W.A.No.1446 of 2015.

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