

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2017

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.20934 of 2017

A.P.S.Kumar

.. Petitioner

Vs.

1. The Commissioner
Hindu Religious and Charitable Endowments Department
Nungambakkam
Chennai - 600 034.
 2. The Joint commissioner
Hindu Religious and Charitable Endowments Department
Sitharkadu, Mayiladuthurai.
 3. The Government of Tamil Nadu
rep. by its Secretary
Tamil Culture and Development Department
Fort St. George
Chennai - 600 009.
 4. Sattanathaswamy Devasthanam
rep. by its Superintendent
Sirkazhi, Nagapattinam District.
 5. The Director of Matriculation Schools
College Road, Chennai- 600 006.
 6. The Inspector of Matriculation Schools
Thanjavur.
 7. The Correspondent / Secretary
Ezhilmalar Matriculation School
Sirkazhi, Nagapattinam District.
- .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 6 herein to take immediate action to close the educational institution being run under the name

and style of Ezhilmalar Matriculation School by the 7th respondent in the land comprised in Survey No.418/10, Pidari South Street, Sirkazhi, Nagapattinam and demolish the building of Ezhilmalar Matriculation School put up in Survey No.418/10, Pidari South Street, Sirkazhi, Nagapattinam District and restore the land to the temple pursuant to the representation of the petitioner dated 05.09.2016.

For Petitioner : Mr.S.Sadasharam
For Respondents : Mr.M.Maharaja
Spl. Government Pleader
for respondents 1, 2 and 4
Mr.Rajagopalan
Spl. Government Pleader
for respondents 3, 5 and 6
Mr.R.S.Jeevarathinam
Senior Counsel
for 7th respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition has been filed seeking orders on the respondent authorities to stop the running of "Ezhilmalar Matriculation School" in the land comprised in Survey No.418/10, Pidari South Street, Sirkazhi, Nagapattinam District, belonging to the fourth respondent/Devasthanam. Pending disposal of the writ petition, interim injunction has been sought restraining the seventh respondent from running the said school.

2. In the affidavit in support of the writ petition, it is stated that a large extent of land belongs to the fourth respondent and the religious activities are controlled by the Dharmapuram Adheenam, Mayiladuthurai. It is alleged that the seventh respondent made a representation to the Devasthanam, i.e., fourth respondent, and clandestinely obtained lease of about 25000 Sq.Ft. of punja land, which is worth Rs.10 crores.

3. It is further submitted that the seventh respondent constructed a building for the purpose of running the Matriculation School without obtaining approval from the first respondent or the second respondent under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

4. There can be no doubt that the provisions of the Tamil

Nadu Hindu Religious and Charitable Endowments Act, 1959 are applicable. However, we are unable to appreciate how this writ petition, filed by the petitioner, is in public interest. It is not understood how the public is being affected by the running of the school.

5. The petitioner does not fulfill the criteria of "person interested" within Section 6(15) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. As a devotee of Sattanathaswamy Thirukkoil, the petitioner, at best, has a right of worship, which does not appear to have been interfered with.

6. We are not inclined to entertain this writ petition at the instance of the petitioner. The writ petition is dismissed. Needless to mention that the disposal of this writ petition or any observations made therein would not prevent respondents 1 and 2 from taking any action as is appropriate, in accordance with law, be it regularization by fixation of fair rent or otherwise. No costs. Consequently, W.M.P.No.21822 of 2017 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

1. The Commissioner
Hindu Religious and Charitable Endowments Department
Nungambakkam
Chennai - 600 034.
2. The Joint commissioner
Hindu Religious and Charitable Endowments Department
Sitharkadu, Mayiladuthurai.
3. The Secretary
Government of Tamil Nadu
Tamil Culture and Development Department
Fort St. George
Chennai - 600 009.

4. The Superintendent
Sattanathaswamy Devasthanam
Sirkazhi, Nagapattinam District.
5. The Director of Matriculation Schools
College Road, Chennai- 600 006.
6. The Inspector of Matriculation Schools
Thanjavur.

+lcc to Mr.S.Sadasharam, Advocate, S.R.No.56525
+lcc to the Government Pleader, S.R.No.56833

W.P.No.20934 of 2017

AR(CS V)
CS/28/08/17



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