

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.06.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P.No.14343 of 2017
and W.M.P.No.15560 of 2017

M.Arumugam

.. Petitioner

Vs

1.The State of Tamil Nadu Represented by
Secretary, HR & CE Department,
Fort St. George, Chennai-9.

2.The Commissioner,
HR & CE Department,
Nungambakkam High Road,

3.The Executive Officer,
Arulthiru Alagambigai Udanaya -
Arulmigu Semkeswara Temple,
Thiruporur, Chengalpet High Road,
Sembakkam, Chengalpet Taluk,
Kancheepuram District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or direction in the nature of Writ, forebearing the respondents from interfering into the petitioner's works of constructing Rajagopuram at Arulthiru Alagambigai Udanaya - Arulmigu Semkeswara Temple, Thiruporur, Chengalpet High Road, Sembakkam, Chengalpet Taluk, Kancheepuram District till the Temple with Rajagopuram handing over back to people of Sembakkam and to respondents after completion of Rajagopuram construction and other renovation works.

For Petitioner : Mr.K.T.Sankarasubramanian
for Dr.K.Sundararaj

For Respondents : Mr.M.Maharaja
Spl. Government Pleader (HR & CE)

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, forbearing the respondents from interfering with the petitioner's works of constructing Rajagopuram at Arulthiru Alagambigai Udanaya - Arulmigu Semkesvara Temple, Thiruporur, Chengalpet High Road, Sembakkam, Chengalpet Taluk, Kancheepuram District, till the renovation work of the Temple and Rajagopuram is completed.

2. It is the case of the petitioner that he is the Managing Trustee of Temple and he has been involved himself in every possible way to improve the said temple. Further his right to manage of the Temple as Hereditary Trustee was also recognized under section 63(b) of the Hindu Religious Charitable and Endowments Act.

3. The petitioner, along with the support of the villagers, is doing renovation of the temple and also constructing the Rajagopuram. The petitioner is renovating the temple and constructing the Rajagopuram from the amounts collected from the villagers and he has not received any money from the respondents for the renovation work. Further the petitioner has given an undertaking that once all the renovation work is completed, the temple shall be handed over to the people of Sembakkam village and thereby the respondents shall take back the temple. Further the petitioner has stated that the respondents are not allowing him to do the renovation work, despite the representations give by him indicating his intention to them. In these circumstances, the petitioner has filed the writ petition seeking for the relief sought for therein.

4. Mr.M.Maharaja, learned Special Government Pleader appearing for the respondents submitted that in similar circumstances, the first bench of this court in W.P.No.574/2015 by order dated 07.11.2016 had constituted a Committee consisting of five members to give necessary instructions to the H.R. & C.E. department and to the individuals, who are carrying out the temple renovation work, with regard to the betterment of the temple and therefore, the petitioner may be given liberty to approach the Committee for appropriate relief.

5. Mr.K.Sankarasubramanian for Mr.K.Sundararaj, learned counsel appearing for the petitioner also agreed for the proposal made by the learned Special Government Pleader.

6. In view of the same, I give liberty to the petitioner to approach the expert committee constituted by the first bench of this court in W.P.No.574/2015, seeking for appropriate relief for renovating the temple and for constructing the Rajagopuram. In any event renovation work or the construction of Rajagopuram in the temple shall be supervised by the Joint Commissioner, Assistant Commissioner, Executive Engineers, Assistant Divisional Engineers and Assistant Engineers/Junior Engineers of the H.R. & C.E. Department.

7. With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sji/vsm

To

- 1.The Secretary,
State of Tamil Nadu,
HR & CE Department,
Fort St. George, Chennai-9.
- 2.The Commissioner,
HR & CE Department,
Nungambakkam High Road,
- 3.The Executive Officer,
Arulthiru Alagambigai Udanaya - Arulmigu Semkeshwara Temple,
Thiruporur, Chengalpet High Road, Sembakkam,
Chengalpet Taluk, Kancheepuram District.

+2 ccs to Dr.K.Sundararaj Advocate sr 44441
+1 cc to the Government Pleader sr 44954

W.P.No.14343 of 2017

rj(co)
aa07/07/2017