



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.5730 of 2017

and

W.M.P(MD)No.4587 of 2017

V.Chandrakala

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai.

2. The Fit Person,
Arulmighu Kariyamal Alagar Temple,
Nalatinputhur,
Kovilpatti Taluk,
Tuticorin District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to permit the petitioner to complete the construction of compound wall as per Rule 11 of the Management and Preservation of Properties of Religious Institutions Rules at Arulmigu Sri Vellaipandi Swamy Kovil situated at Nalltinputhur, Kovilpatti Taluk, Tuticorin District.

For Petitioner : Mr.T.Lajapathi Roy

For R - 1 : Mr.VR.Shanmuganathan,
Special Government Pleader.

For R - 2 : Mr.M.Muthu Geethayan

ORDER

This Writ Petition is filed seeking a Writ of Mandamus, directing the respondents to permit the petitioner to complete the construction of compound wall as per Rule 11 of the Management and Preservation of Properties of Religious Institutions Rules at Arulmigu Sri Vellaipandi Swamy Kovil situated at Nalltinputhur,

Kovilpatti Taluk, Tuticorin District.

2.The petitioner is the devotee of 'Arulmighu Sri Vellaipandi Swamy' Temple. Every year the villagers used to celebrate 'Punguni Uthiram'. For safety and security, the villagers decided to construct a compound wall around the Temple. Unless the compound wall is constructed, it would create great hardship to the devotees during the night hours when the miscreants used to unlawfully assemble in the Temple premises during night hours. Therefore, the petitioner made a representation to the respondents on 21.03.2017 to grant necessary permission to construct the compound wall around the said Temple, but the same is pending without any consideration. Hence, the petitioner has filed the present Writ Petition.

3.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4.It is seen that the petitioner is a devotee of Arulmighu Sri Vellaipandi Swamy, which is admittedly a private Temple. The petitioner and other worshippers have decided to construct a compound wall in order to preserve the said Temple and its properties under Rule 11 of the Management and Preservation of Properties of Religious Institutions Rules. It is pertinent to mention herein that unless or otherwise the Temple being a private Temple has a valid title deed, the question of such consideration will not arise and it is also impermissible to construct a building over and above the area in question without proper permission.

5.The issue as to whether the proposed construction of compound wall falls within the permitted area or beyond the area has to be decided only by the respondents. The petitioner has also given a representation dated 21.03.2017, which is said to be pending without any decision.

6.Under the said circumstances this Court, without going into the merits of the matter, directs the respondents to consider the representation of the petitioner, dated 21.03.2017 and pass appropriate orders thereon on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)



To

The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai.

+ 1 cc TO Mr.T.Lajapathi Roy , Advocate in SR No. 80495
+ 1 cc TO Mr.M.Muthu Geethayan , Advocate in SR No. 80637

Ps
AE/KK/SAR3/12.10.2017/3P/4C

W.P (MD) No.5730 of 2017
21.09.2017