



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13 .07.2017
CORAM:

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD) No.6907 of 2017

Muthukumar

... Petitioner

vs.

1.State of Tamil Nadu, represented by,
The Secretary to Government,
Financial Department,
Fort.St.George,
Chennai-9.

2.The Commissioner,
Hindu Religious and charitable Endowment Department,
Nungambakkam
Chennai.

3.The Joint Commissioner,
Hindu Religious and charitable Endowment Department,
O/o.the Joint Commissioner,
Uthamar Kovil,
Trichy-16.

4.The Executive Officer,
Pudukkottai Devasthanam,
Public Office Compound,
Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to enhance the grant payable to the Pudukkottai Devasthanam for every financial year on the basis of the income derived from the properties, by considering the petitioner's representation dated 18.02.2017.

For Petitioner
For Respondents

: Mr.V.S.Badrinath
: Mr.M.Govindan,
Spl. Govt. Pleader for R1 to R 3
: Mr.G.Madhavan for R4



O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

This writ petition has been filed in public interest for directing the respondents to enhance the grant payable to Pudukkottai Devasthanam for every financial year on the basis of the income derived from the endowed properties by considering the representation dated 18 February 2017.

2.The writ petitioner states in his affidavit that Pudukkottai Samasthanam maintained the temples in and around Pudukkottai District and to meet out the expenditure, vast extent of properties were allotted. Subsequently Pudukkottai Samasthanam conveyed the said properties to the State Government. The same was accepted and an annual grant of Rs.1,18,000/- was also ordered. Subsequently, the revenue department handed over the administration of the said properties to Hindu Religious and Charitable Endowment Board. The annual grant was periodically enhanced and vide G.O.Ms.No.175 dated 01 June 2010, the annual grant was revised to Rs.50 lakhs. Since the properties acquired by the Government are fetching income, the annual grant payable to the Samasthanam should be in proportion thereto.

3.It is seen from the typed set of papers that the Assitant Commissioner/Executive Officer, Pudukkottai Temples, Pudhokkottai sent a communication bearing Na.Ka.No.118/2007/C dated 01 March 2013 to the second respondent herein pointing out that the annual grant should be enhanced from 50 lakhs to Rs.2 crores. Sufficient justification has been made out in the said communication for enhancement. As a result of the inadequate grant received by the Pudukkottai Devasthanam, the Devasthanam Board is not able to conduct the temple festivals. Setting forth the aforesaid grievances, the writ petitioner has sent representation on 04 January 2017 and also a reminder on 18 February 2017. Even though the respondents are in receipt of the said representations, no action has been taken.

4.We find considrable force in the submission made by the counsel in the writ petition. The annual grant payable to Pudukkottai Devasthanam was enhanced in the year 2010. Now, more than 7 years have lapsed. It is not as if the income derived from the endowed properties is remaining constant. Therefore, all that the writ petitioner seeks is enhancement of the grant payable on the basis of the income derived from the endowed properties. Even though we find force in the request made by the writ petitioner, we are not in a position to straightaway issue a Mandamus, calling upon the first respondent to enhance the annual grant from Rs.50 lakhs to Rs.2 crores. It is for the first respondent to take note of the relevant factors and thereafter enhance the annual grant payable to Pudukkottai Devasthanam.



5.It is seen that so far such an exercise took place on six occasions. The original grant was fixed in the year 1897. Thereafter in the year 1960, 1966, 1976, 1991, 2000 and 2010. A revisional exercise was undertaken. It is time to undertake such an exercise once more. The first respondent is therefore directed to consider the representation dated 18 February 2017 submitted by the petitioner seeking enhancement of the annual grant payable to Pudukkottai Devasthanam for maintenance of the Pudukkottai temples within a period of 12 weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The Secretary to Government,
Financial Department,
Fort.St.George,
Chennai-9.

2.The Commissioner,
Hindu Religious and charitable Endowment Department,
Nungambakkam
Chennai.

3.The Joint Commissioner,
Hindu Religious and charitable Endowment Department,
O/o.the Joint Commissioner,
Uthamar Kovil,
Trichy-16.

4.The Executive Officer,
Pudukkottai Devasthanam,
Public Office Compound,
Pudukkottai District.

+One cc to The Special Government Pleader, SR.No.66083
Arul/skm
RL/6C/3P/KP/SAR1/28/7/2017