

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8398 of 2018

D.Viswanathan
Hereditary Trustee Arulmighu Durgaiamman Thirukoil
Nalikkalpatty
Salem District ... Petitioner

-vs-

1. The Joint Commissioner (Admn.)
Hindu Religious and Charitable
Endowments Department
Kotaimariamman Temple Campus
Salem- 636 001
- 2.The Assistant Commissioner
Hindu Religious and Charitable
Endowments Department
Salem- 636 001
- 3.The Deputy Superintendent of Police
Annathanapatty
Salem District
- 4.The Inspector of Police
Mallur Police Station
Mallur, Salem District

5.M.Palanivel

6.Srinivasan

7.T.Sekar .. Respondents

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the 3rd respondent to act and issue suitable direction to the 4th respondent on the basis of 2nd respondent's proceedings in Na.Ka.No.4503/2016/B2, dated 19.03.2018 and get the temple key of Arulmighu Durgaiamman Thirukoil, Nalikkalpatty from respondents 5 to 7 and hand over the same to the petitioner and thereby perform duty as hereditary trustee as per the order of 1st respondent dated 12.06.2017.

For Petitioners:: Mr.R.Marudhachalamurthy

For Respondents:: Mr.M.Maharaja
Special Govt Pleader for R1 to R3

Mrs.K.Bhuvaneswari
Addl. Government Pleader for R4

ORDER

This writ petition has been filed by Mr.D.Viswanathan with a prayer for issue of a writ of mandamus directing the Deputy Superintendent of Police, Annathanapatty, Salem District to act and issue suitable direction to the fourth respondent, Inspector of Police, Mallur Police Station on the basis of the proceedings dated 19.03.2018 in Na.Ka.No.4503/2016/A2 and also get the temple key of Arulmighu Durgaiamman Thirukoil from respondents 5 to 7.

2.This Court is unable to appreciate the prayer made by the petitioner. It is not known how the petitioner can bring in Police Department into a temple issue when it is his own case that his father was prosecuted departmentally and during the enquiry his father died and as a result, the enquiry stood abated. Only thereafter, it is stated that he was appointed by the first respondent as a Hereditary Trustee. Thereafter, he is said to have made an application under Section 54(2) of the Hindu Religious and Charitable Endowments Act to appoint him as Hereditary Trustee in Arulmighu Durgaiamman Thirukoil. After considering the same, the Joint Commissioner, Hindu Religious and Charitable Endowments Department, the first respondent herein, passed an order on 11.09.2017 and also handed over the charge to the petitioner holding to the extent of maintaining the records. However, when he went to the temple on the basis of the order, respondents 5 to 7 and others prevented him and also locked the temple and finally he was also prevented from doing his regular pooja.

3. Firstly, when the order of the first respondent permits the petitioner only to the extent of maintaining records, he cannot ask for permission to do pooja. Secondly, if the order passed by the first respondent, the Joint Commissioner, HR & CE, appointing the petitioner as Hereditary Trustee, has not been implemented, he has to only approach the higher authorities or the same authority who passed the order for getting suitable orders for implementing the same. Without taking such a legal and lawful course, the way in which the petitioner has approached this Court itself is not acceptable for this Court, as this court is not acting as an Appellate Authority.

Therefore, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gpa

To

1. The Joint Commissioner
Hindu Religious and Charitable
Endowments Department
Kotaimariamman Temple Campus
Salem- 636 001
- 2.The Assistant Commissioner
Hindu Religious and Charitable
Endowments Department
Salem- 636 001
- 3.The Deputy Superintendent of Police
Annathanapatty
Salem District
- 4.The Inspector of Police
Mallur Police Station
Mallur, Salem District

+1 cc to Government Pleader sr 27273

+1 cc to Mr.R.Marudhachalamurthy Advocate sr 27351

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lrs(co)
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