

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.11.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN
W.P. 1440 of 2014
and
M.P. 1 of 2014

B. Moorthiraman

... Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam High Road,
Chennai-34.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Villupuram.
3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Cuddalore-607 001.
4. The Inspector/Fit Person,
Hindu Religious & Charitable
Endowments Department,
Cuddalore.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, call for the records and quash the proceedings of the 4th respondent in his Na.Ka.No.73/2013 dated 26.11.2013 as being arbitrary, ultra vires, null and void and consequently forbear respondents from interfering with petitioner's management of Arulmighu Drowpathiamman Temple N.Moolakuppam, Cuddalore Taluk.

For Petitioner : Mr.R.Gururaj
For Respondents : Mr.M.Maharaja,
Special Government Pleader
(HR & CE)

O R D E R

This Writ Petition has been filed challenging the order passed by the 4th respondent directing the petitioner to hand over the possession of Arulmighu Drowpathiamman Temple at N.Moolakuppam, Cuddalore Taluk.

2. The case of the petitioner is that the above said temple is a private temple belongs to the petitioner's family and he is a trustee of the said temple. Without considering the above said fact, the 4th respondent passed an order directing the petitioner to hand over the possession of the temple to the 4th respondent.

3. It is an admitted fact that, earlier, one Boopathi, who belongs to the petitioner's family filed an application before the Joint Commissioner, Villupuram under Sec.63(b) of the Tamil Nadu H.R. & C.E. Act for framing a scheme for the administration of the temple on the ground that they are the hereditary trustees of the temple and the Joint Commissioner, Villupuram by an order dated 16.09.2011 dismissed the application. Challenging the same, the petitioner has filed an appeal before the Commissioner, H.R. & C.E. Department, Chennai in A.P. 11/2013 D2 and that appeal was also dismissed by the Commissioner by an order dated 24.09.2018 holding that the claimant did not adduce any evidence to show that their ancestors are the trustees of the said temple, and the temple was constructed by his ancestors, and it is in the exclusive management of the entire family. Thus, the above order has become final.

4. In the above circumstances, the respondents department has already passed an order appointing the 4th respondent as a fitperson of the temple, and that was not challenged by the petitioner. The claim of the petitioner that the temple is a private temple, and he is hereditary trustee, has already been negatived by the authorities, and a fitperson was also appointed to the temple. In the said circumstances, the petitioner do not have any right over the temple cannot challenge the order directing him to hand over possession of the temple. Therefore, there is no illegality in the order passed by the 4th respondent.

5. In the result, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)
//True Copy//

Sub Assistant Registrar

rpp
To

1. The Commissioner,
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4. The Inspector/Fit Person,
Hindu Religious & Charitable
Endowments Department,
Cuddalore.

+1cc to Mr.R.Gururaj , Advocate SR.No. 79050
+1 CC TO GOVERNMENT PLEADER SR.NO.80108

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and
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A.SK(08/02/2019)



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