



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2018

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WEB COPY

THE HON'BLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD) No.1003 of 2018

and

WMP(MD)No.1043 of 2018

Adhi.P.Palaniyappan

... Petitioner

-vs-

1. The Commissioner,
Hindu Religious & Charitable Endowment
Department,
119, Uthamar Gandhi Salai,
Nungambkkam,
Chennai - 34.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowment
Department,
Thiruvanaikovil, Neelagreeshwarar Thoppu,
Tiruchirappalli - 5.
3. The Assistant Commissioner,
Hindu Religious & Charitable Endowment
Department,
Thiruvanaikovil, Neelagreeshwarar Thoppu,
Tiruchirappalli - 5.
4. The Tashildar,
Taluk Office, Manapparai,
Manapparai Taluk,
Tiruchirappalli District - 621 306.

5. M.Kulanthai Vel Gounder

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ to direct respondents 1 to 3 to take public Temples by namely Arulmigu Mariamman Temple, Arulmigu Kaliyamman Temple, Muniyappan Temple, Vinayagar Temple, Sri Thekkamalai Temple, Sri Balathandayuthabani Samy Temple, Sengampatti, Vaiyampatti Village, Manapparai Taluk, Trichy District under the control of HR & CE Department and to protect worship rights from all section of people in that locality



by appointing a Fit Person for administration of the above said Temples.

For Petitioner : Mr.V.Muthukamatchi
For R1 to R4 : Mr.Jeyakumar
Additional Government Pleader
For R5 : Mr.P.Ganapathi Subramanian

ORDER

The petitioner states that the petition mentioned temples are public temples and that the fifth respondent is preventing the members of the locality from offering their worship.

2.Notice was ordered in this writ petition. Mr.P.Ganapathy Subramaniam, the learned counsel has entered appearance on behalf of the fifth respondent. The fifth respondent has filed his counter affidavit admitting that he is not preventing any villagers from offering their worship during the worship hours. In particular, the fifth respondent has made it clear that the schedule caste community people are not being prevented.

3.This submission made by the learned counsel for the fifth respondent before this Court as well as in the form of an affidavit is recorded. It is made clear that if the devotees are prevented from offering their worship, it will be open to the Department to take appropriate action in accordance with law. As regards the other rights claimed by the writ petitioner, it is open to him to invoke Section 63 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 and file appropriate application.

4.Preserving the right of the writ petitioner to work out his right as per the said statute, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Hindu Religious & Charitable Endowment Department,
119, Gandhi Salai,
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4. The Tashildar,
Taluk Office, Manapparai,
Manapparai Taluk,
Tiruchirappalli District - 621 306.

+ 1 cc TO Mr.V.Muthukamatchi , Advocate in SR No. 52256
+ 1 cc TO Mr.P.Ganapathi Subramanian , Advocate in SR No. 52651
+ 1 cc TO The Special Government Pleader in SR No. 52326

skn

AE/RSK/SAR1/04.05.2018/3P/8C

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and
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