



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2018

CORAM:

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE Mrs. JUSTICE T.KRISHNAVALLI

W.A. (MD) No.1279 of 2015

Against W.P. (MD) No.6676 of 2010

and

M.P. (MD) No.2 of 2015

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam High Road,
Chennai - 34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Madurai - 1.
- 3.The Inspector,
Hindu Religious and Charitable Endowment Board,
Periyakulam.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Dindigul - 1. ... Appellants/Respondents

Vs.

Sri Kannika Parameswari Amman Devasthanam,
Kombai,
Rep.by its Managing Trustee. ... Respondent/Petitioner

PRAYER: The Appeal filed under Section 15 of Letters Patent Act, against the order dated 26.02.2014 in W.P.(MD)No.6676 of 2010 and M.P.(MD)No.1 of 2010 passed by the Learned Single Judge of this Court.

Prayer in WP(MD). 6676/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari calling for the records of the 3rd respondent relating to his proceedings in Na.Ka.No. 139/2010 dated 30.4.2010.

For Appellants : Mrs.J.Padmavathi Devi, Spl.G.P.

For Respondents : Mr.P.T.S.Narendravasan

**JUDGMENT**

(Judgment of the Court was delivered by PUSHPA SATHYANARAYANA, J.)

WEB COPY The Writ Appeal has been preferred by the Hindu Religious and Charitable Endowment Board, challenging the order dated 26.02.2014 in W.P.(MD)No.6676 of 2010 passed by the Learned Single Judge of this Court.

2.The Writ petition was filed by the respondent / Writ petitioner, challenging the proceedings in Na.Ka.No.139/2010 dated 30.04.2010. The question involved therein was whether the temple in question is liable for contribution to the Hindu Religious and Charitable Endowment Department for the Fasli 1417 to 1419 to the tune of Rs.73,754/- and 19.020/-.

3.The contention of the respondent is that the respondent / Temple is denomination private temple and hence, it does not come under the purview of the Hindu Religious and Charitable Endowment Board. A judgment in O.S.No.136 of 1977 which was confirmed in A.S.No.156 of 1982 by the District Judge, Dindigul, has been produced. The Civil Court had granted a decree confirming the status of the temple as it is a community temple. Being a denomination temple, its management and administration, are carried out by the Devasthanam of the Temple itself. In fact earlier on 24.08.2005 the order of the 2nd respondent was challenged in W.P. (MD)No.9524 of 2005 and by order dated 29.08.2008 the Learned Single Judge dismissed the Writ petition. However, on appeal in W.A.(MD) No.487 of 2009, the order of the Learned Single Judge in W.P.(MD) No.9524 of 2005 was set aside by quashing the letter dated 24.08.2005.

4.A perusal of the order passed by a Division Bench in W.A. (MD)No.487 of 2009 dated 29.10.2013, it was observed that considering the character of the temple mentioned in the petition and also the direction in the letter dated 24.08.2005, the Hindu Religious and Charitable Endowment Department had exceeded its limit. The respondent has got no power for administration of the said Temple since a decree was obtained before the Civil Court stating that the said Temple is a denomination temple and the Hindu Religious and Charitable Endowment Board has got no jurisdiction



5. In the light of the above, the order of the Learned Single Judge does not warrant any interference. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected M.P. is closed.

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Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar (CS-I)

TO

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Dindigul - 1.

+1 CC To MR.P.T.S.NARENDRA VASAN, Advocate SR. NO. 78737
+1 CC TO The Special Government Pleader SR.NO. 78842

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NBJ

TR/RP/SAR-II (09.10.2018) 3P 7C