

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.07.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition No.9012 of 2020

A.Gunasekaran

... Petitioner

Vs

1.The Commissioner,  
Hindu Religious and Charitable Endowments  
Department, Uthamar Gandhi Salai,  
Nungambakkam, Chennai-600 034.

2.The Joint Commissioner,  
Hindu Religious and Charitable Endowments  
Department, Balasubramaniam Salai,  
Coimbatore.

3.The Executive Officer,  
Arulmighu Mariamman Temple, Puliyakulam,  
Coimbatore-641 045.

4.Devendrakula Velalar Samooga  
Panchayat Sabhai,  
Rep by its President Arivazhagan,  
Door No. 4/21 Krishnan Koil Street,  
Puliyakulam, Coimbatore-45.

... Respondents

PRAYER: PETITION filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to dispose of the petitioner representation dated 17-03-2020 and consequently take all steps to attach the funds illegally connected by the 4th respondent using the name of Arulmigu Mariamman and Mundhi Vinayagar and allied Temples situate at Puliyakulam Village Coimbatore District (herein after referred to as the Temples) and Bring them back to the coffers of the Temple.

For Petitioner :Mr.T.S.Vijaya Raghavan

For Respondents:Mr.Venkatesh ,G.A. (for R1 to R3)

O R D E R

Mr.Venkatesh, learned Government Advocate accepts notice for the official respondents - R1 to R3. As far as R4 is concerned, I do not deem it necessary to issue notice at this juncture bearing in mind the nature of the order that is being passed in the succeeding paragraphs.

2. This Writ Petition is disposed finally even at the stage of admission by consent and in fact at request of learned counsel before me.

3. The petitioner states that Arulmighu Mariamman and Mundhi Vinayagar Temples, Puliyaikulam Village, Coimbatore District (in short 'Temples') are being administered as per the Scheme framed on 10.01.2017 by the Joint Commissioner, Hindu Religious and Charitable Endowment Department, Coimbatore - R2 and is being managed by R3, the Executive Officer.

4. The petitioner has filed this Writ Petition in the capacity of a devotee, a person interested in the affairs of the Temples. He states that a Trust had been formed as early as on 05.03.1999 in which he had also participated initially. However, after the initial association, he disassociated himself from the functioning of the Trust alleging that there was no transparency in its functioning and management. According to him, the Trustees are collecting funds under various heads from donors offering to perform vizhas and functions connected with the Temples. He would cite the provisions of Rule 5A of the Collection of Income and the Incurring of Expenditure Rules, 1961 (in short 'Rules') which bars collection of funds by a person unconnected with the Temple. The affairs of R4 however are being carried on with the concurrence of official authorities who also, according to the petitioner, contribute to the collections made. Since the petitioner is of the view that the collection itself as well as the deployment of funds by the Trust is not proper, he has filed a representation on 17.03.2020 before the official respondents seeking proper enquiry to be made into the collection of funds and the deployment of the same by R4.

5. The limited prayer sought for in this Writ Petition is for a proper enquiry to be caused in regard to the averments in the representation and disposal of the same.

6. Mr.Venkatesh expresses no objection to the prayer sought. A mandamus is hence issued as sought for and the Executive Officer, Arulmighu Mariamman Temple, Puliyakulam, Coimbatore - R3 is directed to hear the petitioner as well as the authorised representative of R4 and pass orders on the representation of the petitioner dated 17.03.2020 after causing proper enquiry thereupon. The representation shall be disposed on merits and in accordance with law after taking into account the submissions made by the petitioner as well as R4, within a period of twelve (12) weeks from date of receipt of a copy of this order.

7. This Writ Petition is disposed in the above terms. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner,  
Hindu Religious and Charitable Endowments  
Department, Uthamar Gandhi Salai,  
Nungambakkam, Chennai-600 034.
- 2.The Joint Commissioner,  
Hindu Religious and Charitable Endowments  
Department, Balasubramaniam Salai,  
Coimbatore.
- 3.The Executive Officer,  
Arulmighu Mariamman Temple, Puliyakulam,  
Coimbatore-641 045.

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RSV(CO)  
RMP(24/07/2020)

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