

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.15025 of 2019
and

W.M.P.Nos.14989 and 14990 of 2019

1.A.B.Kulasekaran
2.N.Saravanan

.. Petitioners

..Vs..

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Balasundaram Street,
Avinashi Road,
Coimbatore-18.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Jawan Bhavan,
Gandhiji Road,
Erode-1.

4.The Executive Officer,
Arulmigu Mathiapuriswar,
Arulmigu Kalyana Varatharaja Perumal,
Arulmigu Kulavilakamman Thirukoil,
Mannaathampalayam Post,
Nanjai Kaalamangalam,
Modakurichi Taluk,
Erode District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to conduct Palalayam and Kumbabhishekam to Arulmigu Mathiapuriswar, Arulmigu Kalyana Varatharaja Perumal Arulmigu Kulavilakamman Thirukoil, Mannaathampalayam Post, Nanjai

Kaalamangalam, Modakurichi Taluk, Erode District commencing from 29.05.2019 after carrying out the construction / renovation of the temple as per the proceeding of the second respondent Na.Ka.No.7884/2012/A4 dated 09.02.2012 and by considering petitioners representation dated 16.05.2019.

For Petitioners : Mr.R.Jayaprakash
For Respondents : Mr.M.Karthikeyan
Special Government Pleader

O R D E R

Mr.M.Karthikeyan, learned Special Government Pleader takes notice for the respondents.

2.The petitioners have filed the present Writ Petition for issuance of a Writ of Mandamus, directing the respondents to conduct Palalayam and Kumbabhishekam to Arulmigu Mathiapuriswar, Arulmigu Kalyana Varatharaja Perumal Arulmigu Kulavilakamman Thirukoil, Mannaathampalayam Post, Nanjai Kaalamangalam, Modakurichi Taluk, Erode District commencing from 29.05.2019 after carrying out the construction/renovation of the temple as per the proceeding of the second respondent Na.Ka.No.7884/2012/A4 dated 09.02.2012 and by considering the petitioner's representation dated 16.05.2019.

3.In the affidavit filed in support of the writ petition, it is stated that Arulmigu Kulavilakamman Thirukoil is the family Deity for generations and both the temples come under the supervision of Arulmigu Kulavilakamman Thirukoil. It is stated that on 12.05.1965, the first respondent namely the Commissioner, Hindu Religious and Charitable Endowments Department had framed a scheme for the subject temples in O.P.No.110 of 1962 and the entire administration of the temples have been carried out as per the scheme. The said scheme was in force for quite some years From 2012 onwards, no one came to be appointed as Trustees by the respondents. Hence, no work had been carried out for maintenance and renovation of the temples. There were also allegation of mismanagement and maladministration within the knowledge of the fourth respondent herein. It is stated that the first respondent had approved the plan for renovation of the temple in Na.Ka.No.58228/201Y-5, dated 06.01.2012 and in pursuance of the same the second respondent had issued another proceeding in Na.Ka.No.7884/2012 dated 09.02.2012 and the same was forwarded to the fourth respondent, who is the Executive Officer of the said temples to carry out the renovation work. Till date nothing has been done and no work has been carried out.

4.It is stated that during the month of May 2018 a sum of Rs.2,50,000/- has been taken from the temple funds for repairing works. After completing the repair works the Palalayam and Kumbabhishekam functions have not been conducted by the respondents. In this connection, the petitioner gave a representation dated 16.05.2019. Till date his representation has not been considered by the respondents. Therefore, the present writ petition is filed in the nature of writ of Mandamus, to direct the respondents to conduct Palalayam and Kumbabhishekam to the temples.

5.A Memo had been filed on behalf of the fourth respondent/ Executive Officer, wherein, it has been stated that the allegation of mismanagement and the allegation of misuse of funds in the temple are false. The administration was properly managed by the Executive Officer as well as by the Jurisdiction Assistant Commissioner of Hindu Religious and Charitable Endowments Department. The relevant paragraphs are extracted hereunder:-

4.It is submitted that the temple is more than 300 years old and it is necessary to obtain permission from the State Level as well as District Level Heritage Committee as well as the High Court Committee as per the directions of the Hon'ble First Bench in Suo Moto in W.P.No.574 of 2015.

5.It is submitted that the proposed plan for reconstruction has been submitted to the Regional Committee and the Sthapathi, the Joint Commissioner in Na.Ka.No.7884/2012/A4/dated 09.02.2012 and the Commissioner in Na.Ka.No.58228/2011/Y5, dated 06.01.2015, have submitted a resolution and plan to the High Court Committee.

6.It is submitted that once approval is obtained from the Archaeological Department as well as the High Court Committee, the Thiruppani works will commence after performing Balalayam. This respondent Department is taking all the earnest steps to perform Balalayam to the temple, once the permission is granted by the High Court Committee the Tiruppani work will be started.

6.The learned counsel for the Hindu Religious and Charitable Endowments Department stated that the Archaeological Committee granted permission for renovation and the matter is now under the consideration of the High Court Committee.

7.The learned counsel for the petitioner stated that if any direction is given by the High Court Committee with respect to the renovation of the temples, that has to be followed by the temple authorities.

8. Without expressing any opinion on the merits of the case, this Court is inclined to issue a direction to the respondents to conduct Palalayam and Kumbabhishekam, after getting proper approval from the High Court Committee.

With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

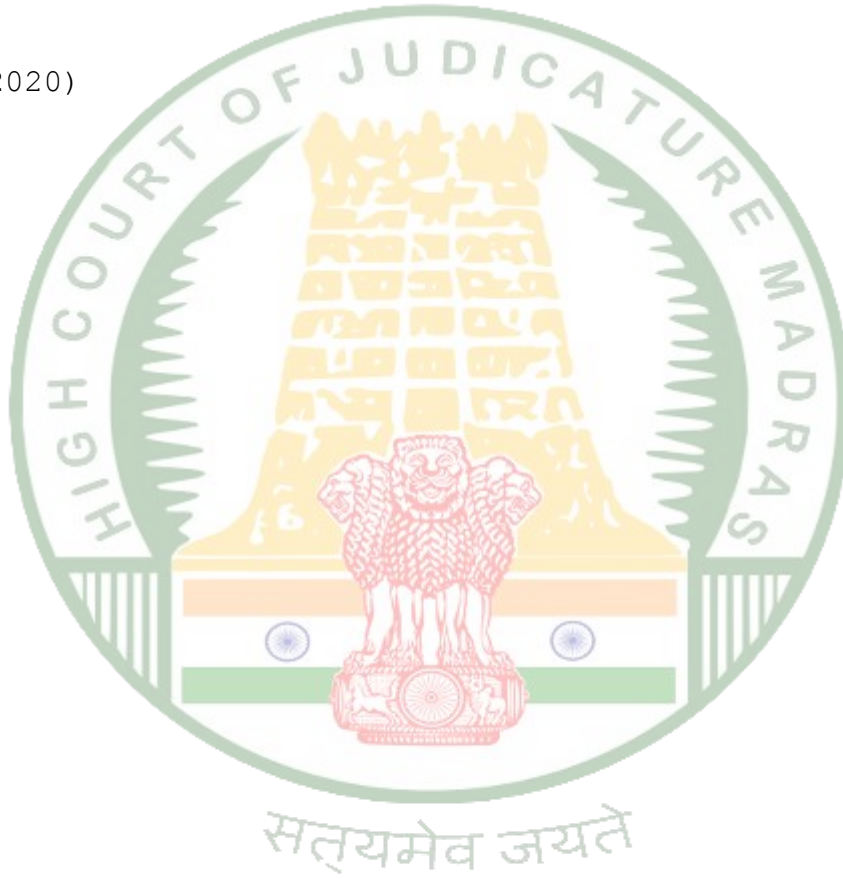
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+1 CC to Mr.R.Jayaprakash, Advocate sr 10643.
+1 Cc to Govt. Pleader sr 12005.

W.P.No.15025 of 2019

KK (CO)
SP(13/03/2020)



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