



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.14329 of 2019

and

W.M.P. (MD)No.10756 of 2019

WEB COPY

P.Manimuthu

... Petitioner

Vs

1.The Executive Officer,
Pudukottai Devasthanam,
Pudukkottai,
Pudukkottai District.

2.The Assistant Commissioner,
(Fit Person, Pudukkottai Devasthanam),
HR & CE Department,
Pudukkottai,
Pudukkottai District.

3.The Deputy Commissioner,
HR & CE Department,
Uthamar Kovil,
Thiruchirappalli,
Thiruchirappalli District.

4.The Commissioner,
HR & CE Department,
Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from exercising any act of administration or control over "Kottai Bairavar"protective deity on the northern wall of Thirumayam fort at Thirumayam in Pudukkottai District without any legal sanction or authority as prescribed under HR & CE Act.

For Petitioner	: Mr.B.Chandran
For R1	: Mr.G.Mathavan
For R2 to R4	: Mr.S.Angappan,
	Government Advocate.(crl side)

O R D E R

Heard the learned counsel on either side.

2.This writ petition has been filed for forbearing the respondents from exercising any control or administration over the
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petition mentioned temple.

3.The petitioner's counsel made an urgent mention in this morning. He wanted me to take up this writ petition this afternoon, even though the case is not shown in the cause list. He submitted that the first respondent issued a tender notification and that the tenders are to be held on 10.08.2020. Considering the urgency expressed by the petitioner's counsel, this Court took up the matter. The learned standing counsel appearing for the contesting first respondent was also heard.

4.The petition mentioned temple is located in Thirumayam. The petitioner's counsel pointed out that Pudukkottai Devasthanam will have control only over those temples, which figure in the list annexed to the scheme dated 04.06.1954.

5.He pointed out that the petition mentioned temple is not found in the said list annexed to the scheme. The learned standing counsel for the first respondent would however contend that later a supplementary list was also issued and that Kottai Bairavar Temple, Thirumayam, is shown as Serial No.132. I do not want to go into the factual controversy as of now. The issue can be resolved on another basis. The petitioner herein is not a trustee of the temple. He claims to be a devotee. By the holding of the impugned tender, the rights of the petitioner are not going to be affected. Mr.Madhavan, the learned standing counsel appearing for Pudukkottai Devasthanam submitted that such tenders have been conducted every year over the last several years. I am therefore of the view that since the writ petitioner has not shown any infringement of an enforceable interest, there is no question of granting relief in the writ petition. The writ petitioner's counsel repeatedly contended that there are serious irregularities in the administration of the temple. If that be so, the only course open to the petitioner is to file a public interest litigation. No further relief can be granted in this proceeding.

6.With these observations and with the aforesaid liberty to the petitioner, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

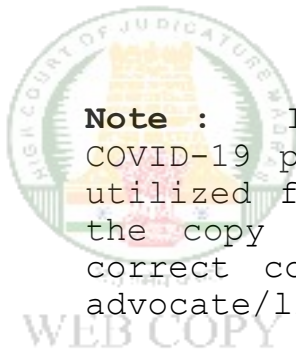
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Sub Assistant Registrar(CS)

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To:

1.The Assistant Commissioner,
(Fit Person, Pudukkottai Devasthanam),
HR & CE Department,
Pudukkottai,
Pudukkottai District.

2.The Deputy Commissioner,
HR & CE Department,
Uthamar Kovil,
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HR & CE Department,
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W.P. (MD) No.14329 of 2019
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KB(18.08.2020) 3P 4C