



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.10884 of 2015

and

M.P (MD) .Nos.1 and 2 of 2015

WEB COPY

Karpagavinayagar Thirukoil
Rep by its Trustee,
V.R.Muthukaruppan
S/o.S.Veerappanchettiar
Pillayarpatthi
Thirupathur Taluk
Sivagangai District.

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai-34.

2.The Joint Commissioner,
Office of Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Sivagangai.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order bearing Na.Ka.No.6030/2014/A1 dated 08.06.2015 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.S.Madhavan

For Respondents : No appearance

ORDER

The relief sought for in the present writ petition is to quash the order dated 08.06.2015 issued by the second respondent.

2.The petitioner is the Karpagavinayagar Thirukoil and the grievances of the Temple is that during the days of Pandiyar Kingdom, the administration and running of the Temple was handed over to Nagarathar Community. A registered Trust was formed for better administration of the Temple and during the year 1924, a rotation system of management was put in place and till today, the



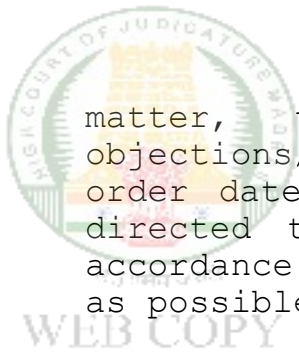
said procedure is being followed positively. The Deputy Commissioner of HR&CE, Madurai, confirmed the draft scheme in order, dated 12.02.1979, in O.A.No.74 of 1978.

3.The grievance raised in the present writ petition is that the 'Annathanam Scheme' is implemented by the Government in G.O.Ms.No.231, dated 25.09.2002. The Department issued communications for regularization of the service of the staff/employer in the Temple Kitchen. The petitioner Temple did not have any regular staff for the maintenance of the Kitchen. The Temple is running by Nagarathar Community and there is a registered Trust. The Trustee is having their own procedure and scheme for carrying the Annathana Scheme. Even before the issuance of G.O., Annathanam is being performed in the Temple for about a Century. The impugned communication issued by the second respondent dated 08.06.2015 to the petitioner Temple regarding the particulars to be furnished and therefore, the impugned order is to be quashed.

4.The grounds raised in the writ petition is that the scheme of administration has been framed under Section 64 of the Tamil Nadu HR&CE Act and the Scheme is approved by the competent authority. Thus, the respondents cannot direct the petitioner Temple to appoint permanent staff in the Temple Kitchen. The respondents have no authority to issue any direction.

5.Considering the submission made on behalf of the writ petitioner, this Court is of the considered opinion that the authorities competent empowered under the HR&CE Act, is to initiate action with reference to the Temple administration by following the procedures contemplated under the Statute and Rules in force. The contention of the writ petitioner is that the authorities have no power at all to seek for clarification of the Temple is not in consonance with the provisions of the Act. The impugned proceedings, dated 08.06.2015 is not an order at all. They have requested the particulars of the Temple employees, who all are working under 'Annathanam Scheme' for the purpose of initiating steps to regularize their service.

6.Mere such intimation seeking certain clarification or particulars cannot be a ground to entertain the writ petition. All such contentions now raised in the writ petition can be placed before the competent authorities for their consideration. The authorities of HR&CE Department are empowered to seek clarification regarding the administration of the Temple or its function or otherwise in accordance with the procedures contemplated. Therefore, the petitioner is at liberty to submit their report / explanation or objection or otherwise, with reference to the impugned order to the second respondent. In the event of submitting any such explanation/objections, the competent authorities are bound to consider the same and take appropriate decision in accordance with the provisions of the Act and Rules. In such view of the



matter, the petitioner is at liberty to submit their objections/explanation/clarification with reference to the impugned order dated 08.06.2015 to the second respondent, who in turn, is directed to consider the same and take appropriate decision in accordance with the Statute and the Rules in force as expeditiously as possible.

7.With these directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai-34.

2.The Joint Commissioner,
Office of Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai.

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