



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No.15260 of 2016

and

WMP No.13311 of 2016

Senthilvel Nadar

.. Petitioner

Versus

1. The Joint Commissioner
Hindu Religious & Charitable
Endowment Department,
Coimbatore.

2. The Executive Officer
Ponandachi Amman Temple
Kannivadi Village
Dharapuram Taluk
Tiruppur District.

3. Mr. Vadivel

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to take action on the representation of the petitioner herein, dated 28.3.2016 by ensuring that the third respondent or his men do not demolish the existing building any further as well as do not collect any donation for putting up construction in violation of the terms of the administrative sanction granted by the first respondent herein.

For Petitioner : Mr. S. Saravanan

For Respondents : Mr. Stalin Abhimanyu

Government Counsel for R1

Mr. K.Sudhakar for R2

Mr.T.Meganathan for R3



ORDER

The prayer made in this writ petition is to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 28.3.2016, seeking to take action against the third respondent, who is attempting to demolish the existing building belonging to petitioner's kula temple as well as indulging in collection of donation for putting up construction of the said temple, in violation of the terms of the administrative sanction granted by the first respondent herein.

2. The petitioner, is a resident of Kannivadi village, wherein Poanandachi Amman Temple is located which is the 'kula' temple of the petitioner's caste people. The said temple comes under the administrative control of the first and second respondents herein. According to the petitioner, as per the terms of the administrative sanction, the donors should undertake the construction of the mandapam and the room without causing any inconvenience to the devotees and without causing any damage to the existing buildings of the temple. Further, it was made clear that the donors shall not receive any contribution or donation from the public for executing the donor work. While so, the third respondent, who has no authority, had been collecting money from the public under the guise of constructing the mandapam and room after demolishing the existing structures in violation of the terms of the administrative sanction granted by the first respondent herein, which action, is prejudicial to the interest and welfare of the temple. Therefore, the petitioner sent a representation on 28.3.2016 to the first respondent requesting him to take action against the third respondent for acting against the interest of the temple.

3. It is the grievance of the petitioner that subsequent to his representation, the third respondent had demolished the old buildings and is collecting funds from the public for constructing a Mandapam, for which administrative sanction was granted by the first respondent as a donor work. The first and second respondents being the statutory authorities, who are bound to protect the interest of the temple, have not taken any action against the same. It is the further grievance of the petitioner that if the first and second respondents do not take any action on the basis of petitioner's representation, great harm would be



caused to the interest of the temple. Aggrieved by such inaction of the first respondent, the petitioner has come forward with the present writ petition for the aforesaid relief.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. Considering the facts and circumstances of the case and having regard to the submissions made on either side, the respondents 1 and 2 are directed to consider the representation of the petitioner dated 28.3.2016, if not considered earlier, and pass appropriate orders on the same, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the third respondent. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

msr/rsh

To

1. The Joint Commissioner,
Hindu Religious & Charitable
Endowment Department,
Coimbatore.

2. The Executive Officer,
Ponandachi Amman Temple,
Kannivadi Village,
Dharapuram Taluk,
Tiruppur District.

+1cc to the Government Pleader, S.R.No.45184,45284

WP No.15260 of 2016

PCH(CO)
SB(18/10/2021)