

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. Nos.27014 & 23413 of 2011 and 14023 & 15068 of 2012
and

M.P. Nos.1 of 2013, 2, 3, & 1 of 2011, 1, 2 & 3 of 2012

1. R.Sukumar
2. C.Santhanam
3. R.Sathyamurthy
4. N.Raveendran
5. S.Sudhakar

..... Petitioners in W.P. Nos.27014 & 23413 of 2011
and W.P. No.15068 of 2012

- 1.Nandaogpala Reddy
- 2.K.B.Sathyamurthy
- 3.K.Krishnamurthy
- 4.R.Sukumar
- 5.C.Santhanam
- 6.R.Sathyamurthy
- 7.N.Raveendran
- 8.S.Sudhakar

..... Petitioners in W.P. No.14023 of 2012

Vs.

- 1.State of Tamilnadu,
Represented by
The Secretary to Government,
Tamil Development and Religious Endowments &
Information Department,
Fort St. George,
Chennai - 600 009. ..Ist Respondent in W.P.No.27014/2011 and
W.P.No.23413/2011

- 2.The Commissioner,
Hindu Religious and Charitable
Endowment (Admn) Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.

- 3.The Joint Commissioner,
Hindu Religious and Charitable
Endowment (Admn) Department,
Uthamar Gandhi Salai, Nungambakkam, Chennai - 34.

4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment (Admn) Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.

..... Respondents 2 to 4 in W.P. Nos.27014 & &
23413 of 2011 and 1 to 3
Respondent in
and W.P. No.15068 of 2012

5.T.Anbukarasi

6.Mrs.Padma

..... Respondents 5 & 6 in W.P. No.27014 of 2011

7.K.Anbalagan

..... 5th Respondent in W.P. No.23413 of 2011

1.The Commissioner,
Hindu Religious and Charitable
Endowment (Admn) Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.

2.K.Anbalagan

3.M.Gajendran

4.M.R.Sampath

5.P.Babu

6.K.Kandasamy

7.N.Durai Babu 1 to 7 Respondents in W.P. Nos.14023 of 2012
4th to 9th Respondents in W.P.NO.15068 of 2012

Prayer in W.P. No.27014 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorari to call for the records relating to the impugned order dated 17.11.2011 passed by the 5th respondent herein indicating assumption of possession of the religious Institution known as Arulmigu Siva Vishnu @ Beemeswarar and Damodara Perumal, Alavattamman and Komathamman temple situated at Mudichur Village, Chennai - 600 048 and affixed the same on the wall of the temple and to quash the same as illegal.

Prayer in W.P. No.14023 of 2012: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorari to call for the records relating to the impugned notice issued by the Commissioner, HR & CE, Chennai issued in S.M.R. No.2/2012/D2 dated 30.04.2012 and quash the same.

Prayer in W.P. No.23413 of 2011: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorari to call for the records relating to the impugned order passed by the Government, the first respondent herein

issued in G.O.No.206 Tamil Development, Religious Endowments and Information (R.E.3.1) Department dated 29.09.2011, in and by which giving directions to the Commissioner, HR & CE , Chennai to cancel the scheme already framed by the Joint Commissioner, HR & CE, Chennai in O.A.41 of 1979 dated 12.05.1982 and also confirming the appointment of Executive Officer for the community temples in question namely Arulmigu Siva Vishnu @ Beemeswarar and Damodara Perumal, Alavattamman and Komathamman temple situated at Mudichur Village, Chennai - 600 048 adn to quash the same.

Prayer in W.P. No.15068 of 2012: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorari to call for the records relating to the impugned order passed by the Commissioner, HR & CE, (ADMN) Chennai in A.P. No.5 of 2012 D2 Dated, 28.03.2012, and to quash the same as illegal.

For Petitioner :Mr.J.Ram

For Respondents:Mr.R.P.Prathap Singh,

Government Advocate for R1
in W.P. No.14023 of 2012,
For R1 to 4 in W.P.NO.27014 of 2011
R1 to R4 in W.P. Nos.23413/2011
&R1 to 3 Respondents in W.P 15068
of 2012
Mr.K.Ashok Kumar for R2 in W.P.
No.14023 of 2012, R5 in
W.P. No.23413 of 2011 and R4 in
W.P.NO.15068 of 2012
No Appearance for R3 to R7 in
W.P. No.14023 of 2012, R5 to R9 in
W.P. No.15068 of 2012

C O M M O N O R D E R

This common order is passed in respect of the prayers adduced in all four writ petitions and in continuation of my earlier orders dated 24.02.2021 and 26.02.2021. I had, on 24.02.2021, after hearing all parties, impleaded the Tahsildar, Tambaram and had also called for a status report in regard to the Arulmigu Siva Vishnu @ Beemeswarar and Damodara Perumal, Alavattamman and Komathamman temple situated at Mudichur Village, Chennai - 600 048 (temple in question) after conducting a detailed inspection of the temple and its assets.

2. On 26.02.2021, a report was filed which revealed that no proper accounts were being maintained. It was unclear as to whether rents were being collected and deposited and there was no inventorisation in regard to the movable and immovable assets of the temple. In the light of the apparent mismanagement, I had vacated the stay granted that enabled the petitioners to continue in management of the temple and had directed that the post of Executive Officer be filled in immediately as the same was vacant.

3. Thereafter, one Mr.R.Sakthi has been appointed in additional charge and is presently in management of the temple. Two status reports are filed setting out the inventory of the assets.

4. It appears that the Deputy Commissioner of the Hindu Religious and Charitable Endowments Department has framed a scheme on 12.05.2012 and the operation of the scheme was stayed by the Commissioner until further orders, upon his noticing that the same had not been framed by following proper procedure.

5. A suo motu revision had been initiated which is the subject matter of challenge in W.P. No.14023 of 2012. Let proceedings shall continue pursuant to the suo motu Revision in S.M.R. No.2 of 2012 and be completed in accordance with law, within a period of twelve (12) weeks, after hearing all necessary and appropriate parties. WP. No.14023 of 2012 is hereby dismissed.

6. As far as W.P. Nos.23413 and 27014 of 2011 are concerned, the petitioners challenge the appointment of the Executive Officer and the consequential proceedings for take over the management. In the light of my order dated 26.02.2021, these writ petitions also stand dismissed.

7. W.P. No.15068 of 2012 challenges an order passed in an interim application filed in I.A. No.2 of 2011 in O.A. No.14 of 2010 dated 30.12.2011, which has been confirmed in A.P. No.5 of 2012 D2 dated, 28.03.2012, and in view of my orders in the writ petitions as aforesaid, the aforesaid writ petition is rendered infructuous and is dismissed as such. Connected Miscellaneous Petitions are also closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rkp

To

1.The Secretary to Government,
State of Tamilnadu,
Tamil Development and Religious Endowments &
Information Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner,
Hindu Religious and Charitable
Endowment (Admn) Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowment (Admn) Department,
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Nungambakkam, Chennai - 34.

4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment (Admn) Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.

+4ccs to Mr.Rakumangathan Ram, Advocate Sr.22317 to 22320

W.P. Nos.27014 & 23413 of 2011 and 14023 & 15068 of 2012
and
M.P. Nos.1 of 2013, 2, 3, 1 & 1 of 2011, 1, 2 & 3 of 2012f 2020

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