

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12511 of 2021

G.Jayakumar

.. Petitioner

Vs.

The Union Territory of Puducherry Rep By the

1.The Deputy Collector cum Commissioner,
Hindu Religious Institutions,
Puducherry.

2.The Deputy Collector (Revenue) North,
Office of the Deputy Collector,
Puducherry.

3.The Trustees,
Sri Arulmigu Karumuthu Mariamman Devasthanam,
Karuvadikuppam,
Lawspet Post,
Puducherry - 605 008.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner representation dated 06.03.2019 and pass appropriate orders on the same within the time frame fixed by this Court.

For Petitioner : Mr.A.Kripakaran

For RR 1 & 2 : Mr.J.Kumaran
Additional Government
Pleader (Puducherry)

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ORDER

The writ on hand is filed to direct the 1st respondent to consider the representation sent by the writ petitioner on 06.03.2019. The relief sought for is against the 1st respondent/Deputy Collector cum Commissioner, Hindu Religious Institutions, Puducherry.

2. The learned counsel appearing on behalf of the

petitioner states that the Trustees of Sri Arulmigu Karumuthu Mariamman Devasthanam, Karuvadikuppam, Lawspet Post, Puducherry, decided to renovate the Temple premises and in this regard the petitioner approached the Trustees and expressed his willingness to take the property on him. Accordingly, a lease agreement was entered into between the 3rd respondent/Trustees and the petitioner on 18.04.2016, wherein the Trustee signed the said lease agreement. The grievance of the petitioner is that he has deposited a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) and he was not permitted to proceed with the construction work and till today there is no development in the vacant land and therefore, the 3rd respondent/Trustees are bound to refund the deposited amount. In this regard, the petitioner submitted a representation to the 1st respondent on 06.03.2019. The said representation is also not responded. Thus, the petitioner is constrained to move the present Writ Petition.

3.The learned Additional Government Pleader (Puducherry), appearing on behalf of the respondents 1 & 2, disputed the contention of the learned counsel appearing on behalf of the petitioner, by stating that the lease agreement was not approved by the 1st respondent competent authority nor the 1st respondent has knowledge about the money transaction between the petitioner and the 3rd respondent/Trustees. In the absence of approval by the competent authority under the Provisions of the Act, the dispute remains between the Trustees and the petitioner, which is to be resorted in the manner known to law. Thus, the 1st respondent is not a party to the transaction nor any approval was granted regarding the lease agreement entered into between the petitioner and the 3rd respondent/Trustees.

4.This Court is of the considered opinion, though the lease agreement has been entered into between the petitioner and the 3rd respondent, the 3rd respondent/Trustees are functioning under the control of the 1st respondent. Under the provisions of the Act, if at all any irregularity, illegality or fraudulent transactions are made, the 1st respondent has to initiate appropriate action against the Temple Authorities by following the procedures contemplated under the Statute. The 1st respondent cannot completely disown the activities of the 3rd respondent, as the Temple, being an Institution, the 1st respondent has to initiate appropriate actions.

5.Regarding the money transaction between the petitioner and the 3rd respondent/Trustees, if at all the dispute prevails, it is to be adjudicated before the appropriate Forum. As far as the irregularities and illegalities in the matter of dealing with the Temple properties, the 1st respondent has instituted appropriate actions against all concerned and proceed with the matter by following the procedures contemplated. In this regard,

the representation sent by the petitioner dated 06.03.2019 is to be looked into and a proper enquiry is to be conducted with reference to the transactions between the petitioner and the 3rd respondent/Trustees and further conduct enquiry into the Temple affairs and initiate all further actions in the manner known to law. Such an exercise is directed to be done as expeditiously as possible.

6. With the above observations, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

krk/svn

To

- 1.The Deputy Collector cum Commissioner,
Hindu Religious Institutions,
Puducherry.
- 2.The Deputy Collector (Revenue) North,
Office of the Deputy Collector,
Puducherry.

W.P.No.12511 of 2021

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