



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.25067 of 2014
and M.P.No.1 of 2014

Harikrishnan

... Petitioner

Vs

- 1 The Commissioner
Hindu Religious & Charitable Endowment
Administration Department, Chennai-34
- 2 The Joint Commissioner
Hindu Religious & Charitable Endowment
Administration Department, Vellore - 4.
- 3 The Assistant Commissioner
Hindu Religious & Charitable Endowment
Department, Kancheepuram.
- 4 The Executive Officer,
Hindu Religious & Charitable Endowment
Department, Madhuranthagam,
Kancheepuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of mandamus directing the respondents particularly the Executive Officer, Hindu Religious and Charitable Endowment Department, Madhuranthagam, Kancheepuram District, the 4th respondent herein not to take any coercive steps in taking over the control of the Arulmighu Selva Vinayagar Temple, G.S.T. Road, Senguntharpettai, Madhuranthagam.

For Petitioner : Mr.K.Balakrishnan

For Respondents : Mr.N.R.R.Arun Natarajan,
Government Advocate.

O R D E R

Heard Mr.Balakrishnan, learned counsel for the petitioner and Mr.N.R.R.Arun Natarajan, learned Government Advocate for the respondents.

2. This matter pertains to the Arulmigu Selvavinayagar Thirukoil at Senguntharpettai, Madhuranthagam, Kancheepuram (temple/temple in question). The averments at paragraphs 2 and



3 of the affidavit filed in support of the Writ Petition set out the history of the temple from the time of its inception in the year 1915.

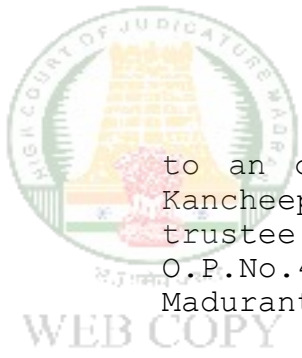
3. According to the petitioner, the temple in question is a community temple that has been managed and run, over time from out of the contributions collected from the members of the Sengunthar Community. There is reference in paragraph 3 of the writ affidavit, to a declaration that has been sought and obtained in this regard from the Civil Court, but no materials are placed before the Court in that regard.

4. While this is so and the temple is being managed by the community, it appears that the District Committee for Hindu Religious and Charitable Endowment (HR & CE), Kancheepuram passed a resolution bearing No.47 dated 30.05.2005 appointing the petitioner and two other individuals, by name Rajagopal and Mahadevan, as constituents of a Board of Trustees to manage the temple for three years. The trustees claim to have faced difficulties in taking over charge of the temple from the person who was in erstwhile management of the temple, one Thiruvankada Chettiar. The said Thiruvankada Chettiar handed over the temple key along with its assets only on 19.11.2005 after police complaints were filed by the Trustees.

5. With the passing of Act 5 of 2006, the tenure of the Trust was truncated to one year and a fit person was appointed on 27.07.2006 to manage the temple. Orally, it is stated that the aforesaid order has been communicated to the petitioner by the respondents, though there is no whisper about the same in the affidavit filed in support of the Writ Petition and nor is a copy of the same placed on record.

6. In the absence of a counter having been filed, I have merely recorded above the submissions of the learned counsel for both parties. Even pursuant to the appointment of the fit person, the petitioner has been permitted to continue in management of the temple till 2014 when the present Writ Petition has come to be filed seeking a mandamus directing the respondents, particularly the Executive Officer, arrayed as R4 not to interfere in the management of the temple. Even with the appointment of the fit person, it is clear that the Department has permitted the petitioner to continue in management.

7. Reference is made in the affidavit to O.A.No.8 of 1993 filed by one Thandavaraya Mudaliar before the Joint Commissioner, HR & CE Department, Vellore to frame a Scheme in terms of Section 64(1) of the Hindu Religious and Charitable Endowments Act, 1959. This petition was dismissed on 08.07.1999 and an appeal filed against the said order has also been dismissed on 13.12.2000. That apart, there is reference



to an order passed by the Assistant Commissioner, HR & CE, Kancheepuram appointing the petitioner as non-hereditary trustee that is stated to have been carried in appeal in O.P.No.48 of 2006 on the file of Subordinate Court, Maduranthagam, which is stated to have been dismissed.

8. In the light of the aforesaid circumstances and bearing in mind the position that the petitioner has, by virtue of the interim order granted by this Court, been in management till date, I do not propose to disturb the same. This Writ Petition stands disposed. However, the mandamus, as sought for, is too wide and cannot be granted except to state that any move to intervene in the functioning of the temple in question shall be scrupulously in accordance with the provisions of the Act and connected Rules and Regulations. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar

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To

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KV (CO)

GN (20/09/2021)