



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **26.11.2021**

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THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD)No.11752 of 2012

and M.P. (MD)No.1 of 2012

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V.Ramarnaidu

... Petitioner

Vs.

1.The Deputy Commissioner,
Hindu Religious Endowment Board,
Madurai - 10.

2.The Executive Officer,
Arulmigu Janagi Narayana Perumal
Thiru Kovil,
Solavandan,
Madurai District.

3.The Revenue Divisional Officer,
Revenue Divisional Office, Usilampatti Circle,
Usilampatti,
Madurai District.

4.The Tahsildar,
Usilampatti Circle,
Usilampatti, Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, to call for the impugned order dated 06.07.2012 made in Semu.Naka.No.2409/12 AA1 passed by the first respondent and quash the same and further direct the third respondent to proceed with the Appeal bearing No.442/2009 A2 and 2590/2009 A2 on his file made as against the order passed by the 4th respondent in Na.Ka.No.1410/2008 M2 dated 26.12.2008 and conclude the same within a time stipulation as specified by this Court forthwith.

For Petitioner : Mr.S.Palanivelayutham

For Respondents : Mr.M.Lingadurai,

Special Govt. Pleader for R1 to R4

O R D E R

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing Yesterday (25.11.2021), which reads as follows:

'In the captioned main writ petition a public

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temple which goes by the name Arulmigu Perumal Thiru Koil in Sirupatti Village, Usilampatti Taluk, Madurai District ['said temple' for the sake of convenience and clarity] is the subject matter. The Central theme is challenge to an order dated 06.07.2012 bearing Semu.Na.Ka.No.2409/12AA1 ['impugned order' for the sake of convenience and clarity] made by the first respondent, appointing a Fit Person for said temple. To be noted, Executive Officer of another public temple namely Sholavandhan Arulmigu Jenagai Narayana Perumal Temple has been appointed as Fit Person to said temple by the impugned order.

2.Mr.S.Palanivelayutham, learned Counsel for the writ petitioner very fairly submits that he is not making any plea with regard to the proceedings before the Revenue authorities and he restricts his plea in the captioned writ petition to challenge to the impugned order. This means that the second limb of the prayer in the captioned writ petition pales into insignificance and it leaves me with the first limb of the prayer alone.

3.Mr.M.Lingadurai, learned Special Government Pleader on behalf of all the respondents submits that the first respondent does have powers under Section 49(1) of 'the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959)' {hereinafter 'TN HR & CE Act' for brevity} and the powers have been exercised only to safeguard the properties of said temple. It is also submitted that the writ affidavit itself will demonstrate that the properties of said temple are at peril.

4.I notice that Section 49(1) is a transitory provision and appointment of Fit person under Section 49(1) is pending constitution. A careful perusal of the case file brings to light that there can be no disputation that the said temple is a public temple within the meaning of Section 1(3) of TN HR & CE Act.

5.In the aforementioned backdrop, learned Counsel for writ petitioner further abridged his plea before this Court and submitted that said temple has been locked / closed and all that the petitioner requests is he and other local populace / citizenry should be able to get a dharshan of the deity.

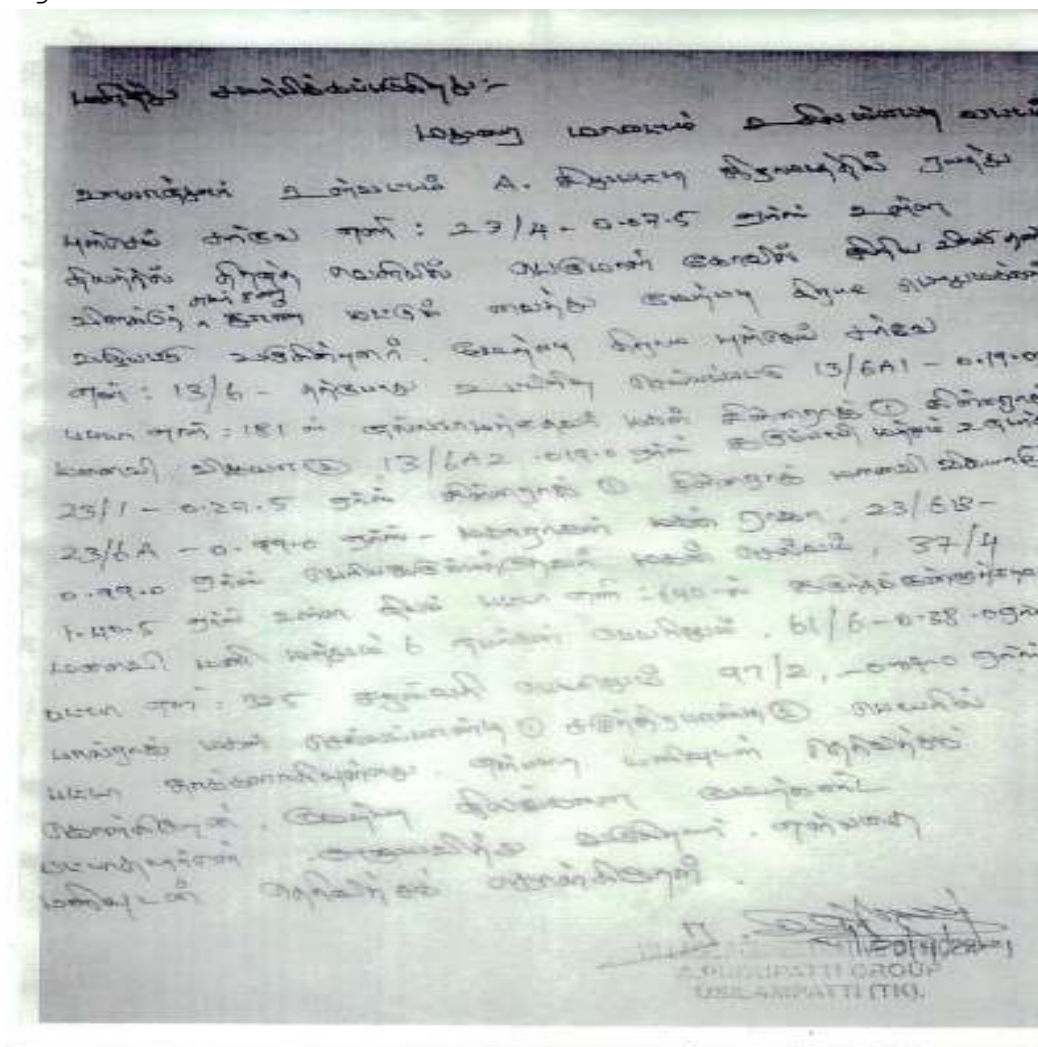


6. Learned State Counsel requests a short accommodation to get instructions regarding whether the said temple is locked. List tomorrow.

7. List on **26.11.2021**.

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2. Before proceeding further, I deem it appropriate to set out that short forms / abbreviations used in the previous proceedings (extracted and reproduced supra) in the earlier listing yesterday will continue to be used in this orders. Pursuant to aforementioned proceedings made Yesterday, learned State Counsel i.e., Mr.M.Lingadurai, learned Special Government Pleader submits that he has got instructions from the Fit person and the said temple has neither been locked / closed nor the local populace / citizenry have been prevented from getting a dharshan of what is being worshiped as deity. To be noted, what is described as deity is in the nature of a 'Kalthoon' and the same is worshiped, is learned State Counsel's say. Learned State Counsel also placed before this Court photographs from the site and instructions in this regard which are as follows:





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W.P(MD)No.11752 of 2012





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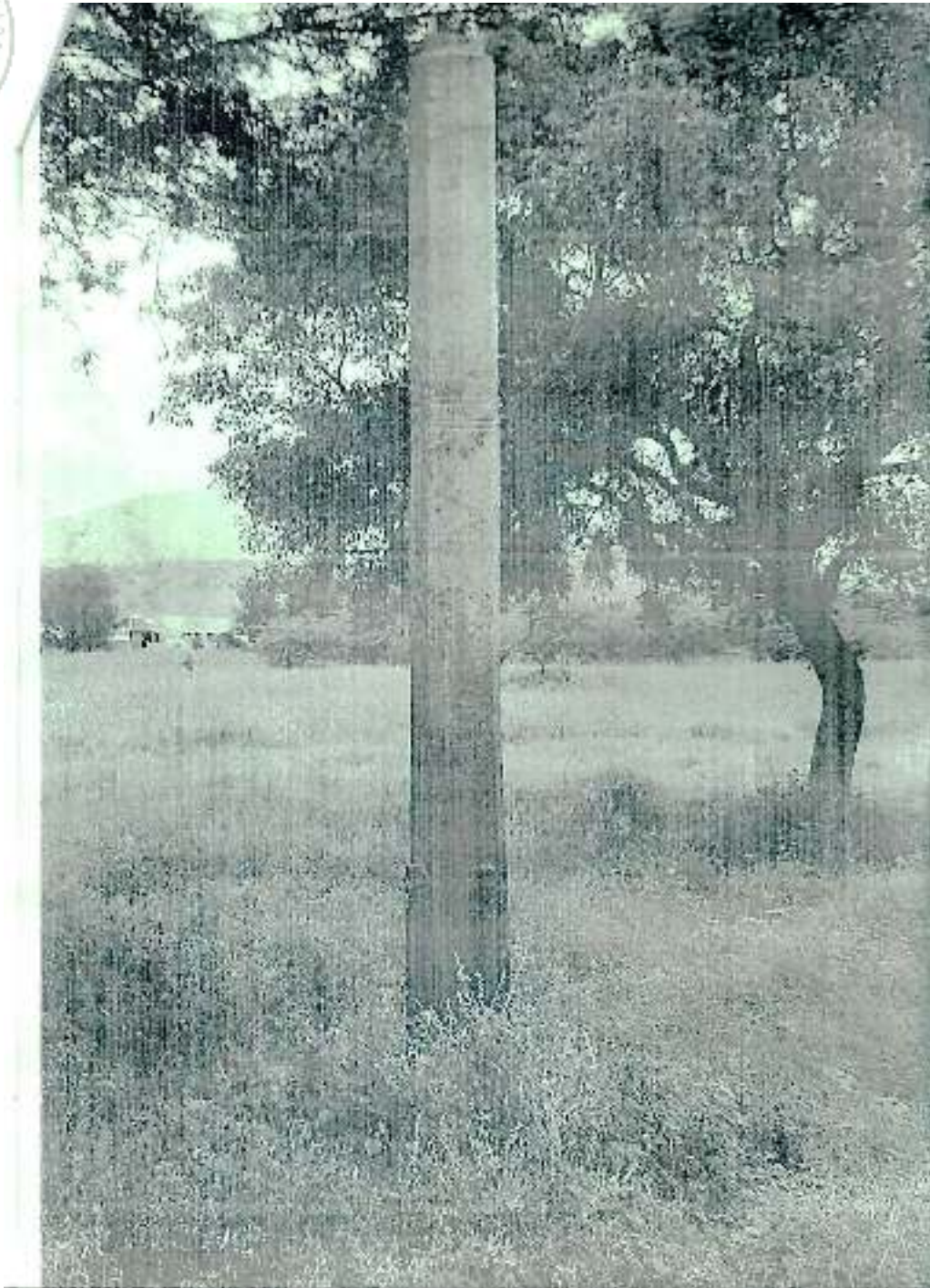


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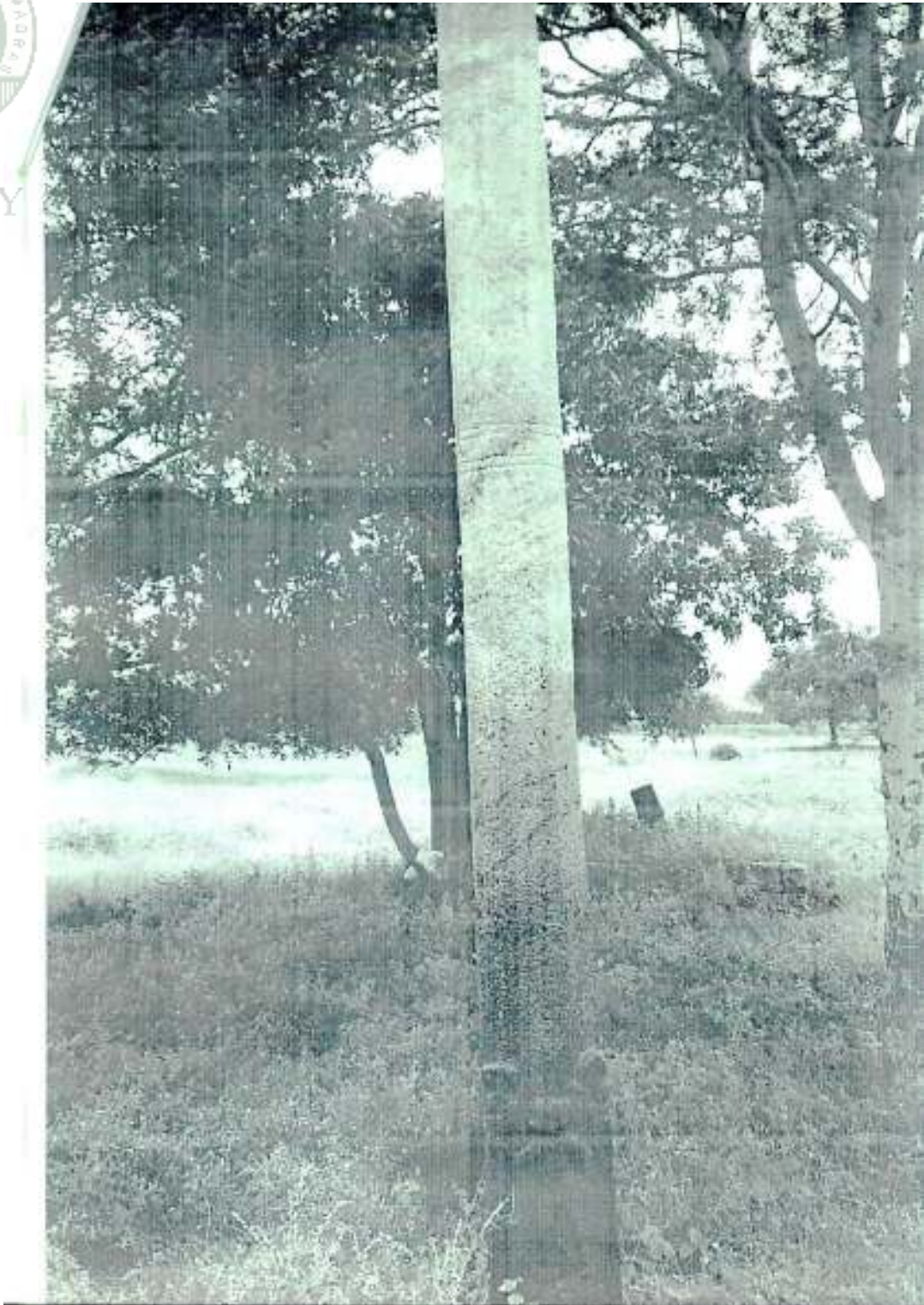


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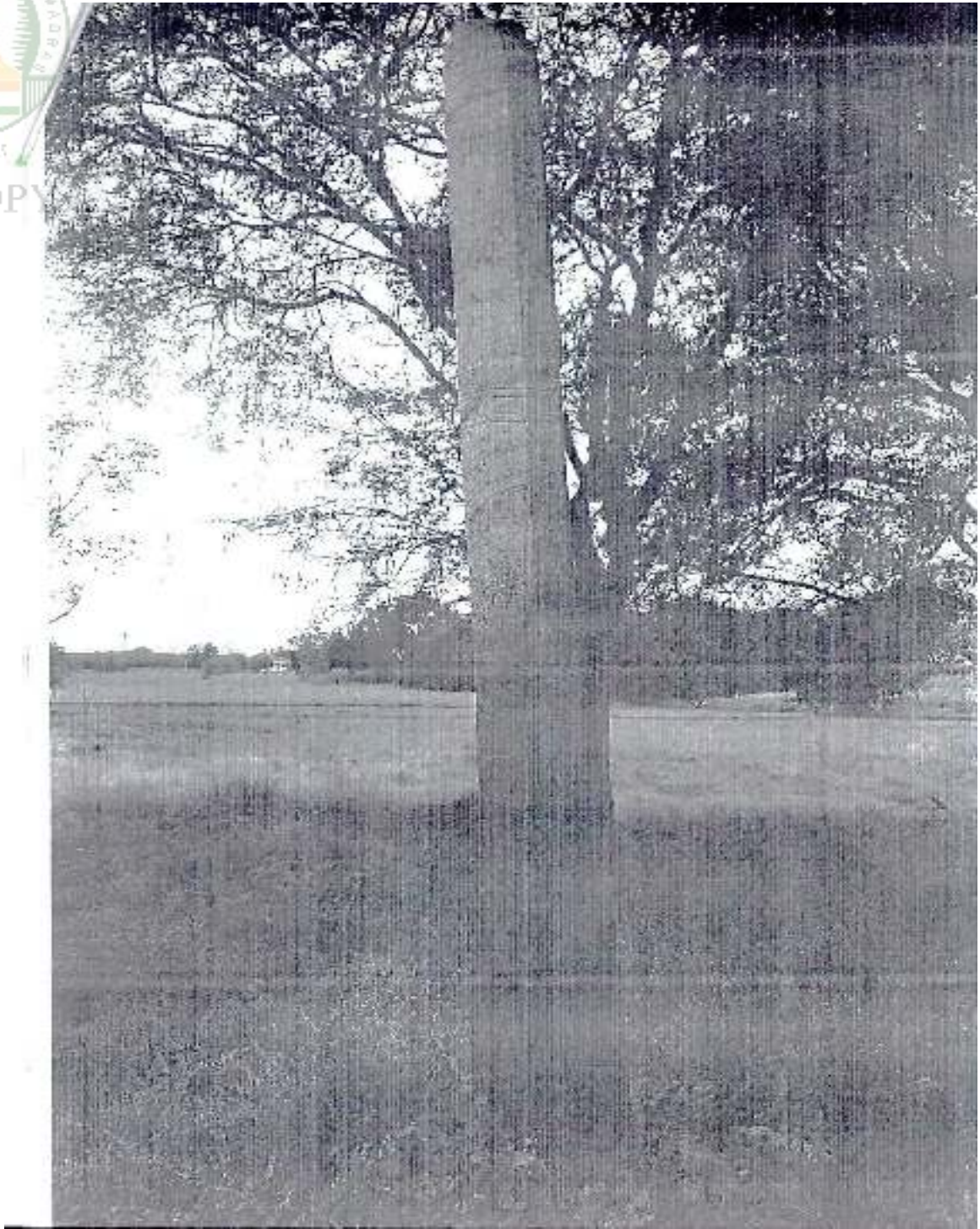




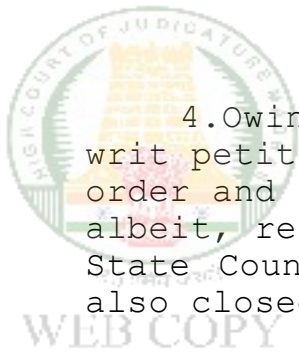
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3.The above gives a closure to the captioned writ petition owing to the abridged prayer.



4.Owing to the fair stand taken by the learned counsel for writ petitioner, there is no need or necessity to test the impugned order and it need not be interfered with. It will stand sustained, albeit, recording the aforementioned stated position of the learned State Counsel. Consequently, connected miscellaneous petition is also closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Deputy Commissioner,
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Madurai - 10.
- 2.The Executive Officer,
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Madurai District.
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Usilampatti Circle,
Usilampatti, Madurai District.

+1 CC to M/s.SPL GP (SR-36272[F] dated 29/11/2021)

W.P (MD) No.11752 of 2012
26.11.2021

RS (08.12.2021) 11P 6C