



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.03.2021**

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THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD) No.1348 of 2021

and

W.M.P. (MD) No.1129 of 2021

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Sri Meenakshi Sundareswarar Kovil Kadaikarargal Sangam,
(Regd.No.1/1960),
represented by its President,
Rajunagulu,
S/o.Subba Nagulu,
Shop.No.83, Veeravasantharayer Mandapam,
Arulmigu Meenakshi Sundareswarar Temple,
Swamy Sannathi,
Madurai.

.. Petitioner

Vs

1.The District Collector,
District Collector Campus,
Madurai 625 020.

2.The Commissioner,
Hindu Religious Charitable and Endowment Department,
Nungambakkam, Chennai.

3.The Joint Commissioner / Executive Officer,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai.

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 3rd respondent vide his Proceedings in Na.Ka.No.3536/2013/E2, dated 14.01.2021 and quash the same as illegal and arbitrary and consequently direct the 3rd respondent to allow members of the Petitioner's Association to open their shops.

For Petitioner	:	Mr.A.Balaji
For R1	:	Mr.M.Jeyakumar Additional Government Pleader
For R2	:	Mr.K.P.Narayanakumar Special Government Pleader
For R3	:	Mr.V.R.Shanmuganathan Standing Counsel

ORDER

This writ petition has been filed as against the proceedings of the 3rd respondent, dated 14.01.2021, rejecting the request of the petitioner for opening the shops due to the continuance of the



present pandemic crisis.

2. Notice was ordered in this writ petition and in response to the same, Mr. M. Jeyakumar, learned Additional Government Pleader has entered appearance on behalf of the 1st respondent, Mr. K. P. Narayanakumar, learned Special Government Pleader, has entered appearance on behalf of the 2nd respondent and Mr. V. R. Shanmuganathan, learned Standing Counsel has entered appearance on behalf of the 3rd respondent and a counter affidavit has also been filed on behalf of the 3rd respondent.

3. In the counter affidavit, in paragraph No. 11, it had been stated as follows:-

"11. It is submitted that a sketch and photographs are annexed to this affidavit in the form of a typed set, which this respondent craves leave of this hon'ble Court to treat as part and parcel of this affidavit.

Out of 115 shops, 40 shops were there in the Veera Vasantharaya Mandapam and abetting the said Mandapam. They were fully destroyed in the fire accident. Therefore, the entire Mandapam has now been demolished and is under the process for construction. Therefore, as on date there are no shops in the said place and thus now the number of shops inside the temple premises has come down to 75 shops.

All 22 flower shops on the northern side of the Nayakar Mandapam could be opened as they may not affect the artistic appearance or heritage value of the temple and as they are necessary for the temple in the sense they sell flowers and garlands place for having access i.e., ingress and egress to the said towers are being blocked by these shops. No doubt, they will affect the artistic appearance or heritage value of the temple.

1 shop opposite to Vanni Vinayakar temple had already been evicted under Section 78 proceedings.

Thus out of 75 shops in existence, 3 have been evicted in proceeding under Section 78 of HR and CE Act. Out of remaining 72 shops, the temple administration is ready to open 36 shops for the present as stated above subject to the outcome of the proceedings pending under Section 80 of the HR and CE Act. Remaining 36 shops cannot be opened as they are situated in places inbuilt with sculptures which have rich heritage value and affecting their artistic appearance.

The sketch annexed to typed set would also explain the position as to which shops are to be opened and which could not be opened. The photos



annexed will explicate the fact as to how the shops in existence in the said places have affected the heritage value of the temple.

The temple administration make it clear that the places in which the shops that are refused to be open by the temple administration will be removed and heritage therein will be preserved forever and they will not be let out to any one in future."

4.At this, the learned counsel appearing for the petitioner would submit that the 3rd respondent had identified the shops to be opened and the averments would also spell out the identification of the shops, which are to be remain closed and which are to be opened.

5.In view of the categorical statement of the 3rd respondent, this Court does not think that this writ petition can be kept pending anymore and regarding the submission of the 3rd respondent as found in paragraph No.11 of the counter affidavit, this Court finds that no further order is to be passed in this Writ Petition.

6.At this, the learned counsel appearing for the petitioner requested this Court that some time may be fixed for the authority concerned to open the shops identified by him as stated in paragraph No.11 of the counter affidavit filed on behalf of the 3rd respondent.

7.In consideration of the above statement, the respondents are directed to open the shops identified by them within a period of one week from the date of receipt of a copy of this order.

8.With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

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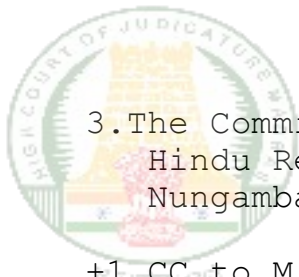
/ /2021

Sub Assistant Registrar(CS)

To

1.The District Collector,
District Collector Campus,
Madurai 625 020.

2.The Joint Commissioner / Executive Officer,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai.



3.The Commissioner,
Hindu Religious Charitable and Endowment Department,
Nungambakkam, Chennai.

+1 CC to M/s.SPL GP (SR-8216[F] dated 02/03/2021)

+1 CC to M/s.A.BALAJI, Advocate (SR-8266[F] dated 02/03/2021)

W.P. (MD)No.1348 of 2021
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SVN(CO)
KB(18.03.2021) 4P 6C