



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2021

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD) NO.4742 of 2021

T.Kumar

:Petitioner

.vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments
Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai- 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments
Department,
Theppakula Street,
Thiruvanaikaval,
Trichy,
Trichy District.

3.The Executive Officer,
Arulmighu Mariyamman Temple,
Samayapuram,
Trichy District.

4.The Manager,
Arulmighu Mariyammal Temple,
Samayapuram,
Trichy District.

(R3 and R4 are impleaded as per order of this Court in
W.M.P(MD)No.7774 of 2021 in W.P(MD)No.4742 of 2021,
dated 3.8.2021)

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to consider and take appropriate action on the basis of the Petitioner's representation, dated 12.3.2020 within the time stipulated by this Court.



For Petitioner
For Respondents
1 and 2
For Respondents
3 and 4

:Mr.M.Pitchai Muthu
:Mr.Ramachandhran
Additional Govt.Pleader
:Mr.K.Govindarajan

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O R D E R

(Order of the Court was made by PUSHPA SATHYNARAYANA, J)

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the respondents to consider and take appropriate action on the basis of the Petitioner's representation, dated 12.3.2020.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

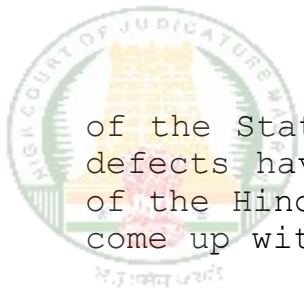
3.In the representation, dated 12.03.2020, the Petitioner has generally alleged that as per the documents he obtained through Right to Information Act, there has been certain irregularities while disbursing the amount to the Contractors, who had done the renovation work in the temple in question.

4.According to the Petitioner, the respondent concerned has disbursed the amount more than that of what has been spent for the works done. The only allegation of the Petitioner is that crores of rupees have been misused by the authorities concerned and action has to be taken against them.

5.In this regard, even a scrap of paper has not been filed by the learned counsel for the Petitioner and the allegations contained in the Writ affidavit is that he had collected the income and expenditure details for the year 2010-2011 and 2016-2017 through Right to Information Act and also collected the planning details of the above said construction done in the temple in question.

6.The Writ Petition is filed in the year 2021. Even after narrating these particulars of income and expenditure of the temple in the year 2016-2017, the learned counsel for the Petitioner is unable to point out any irregularity that has taken place in the administration of the temple and also about the planning amount spent for the renovation work of the temple. The temple was also impleaded suo-motu subsequently by this Court.

7.A Counter affidavit has been filed, wherein, it has been stated by the Joint Commissioner/The Executive Officer that the temple has strictly followed the formalities, particularly, the tender formalities which are in force in the Public Works Department



of the State Government. It is also further stated that no lapse or defects have been pointed out by the Petitioner and the Audit Wing of the Hindu Religious and Charitable Endowments Department has not come up with any such mal-administration of the fund.

8. From the above, it is clear that without ascertaining any of the facts, the Petitioner has come up with the present Writ Petition with bald allegations, though he has been in touch with the subject matter of the Writ Petition from the year 2010-2011. Therefore, we are of the opinion that the Writ Petition filed by the Petitioner is not a 'Public Interest Litigation' and it is only a 'Publicity Interest Litigation', in which, this Court does not find any merit to entertain the same.

9. For all these reasons, the Writ Petition fails and the same stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vsn

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

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+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-38394[F] dated 13/12/2021)

+1 CC to M/s.SPL GP (SR-38609[F] dated 14/12/2021)

W.P (MD) NO.4742 of 2021
10.12.2021

NSN (CO)
KB (21.12.2021) 4P 7C