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W.P.(MD)No.7780 of 2021

Veerappa Chettiar v. The Commissioner

BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 06.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.7780 of 2021

and WMP(MD) Nos.5925 and 8717/2021

(Through Video Conferencing)

Veerappa Chettiar

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department
Chennai.

2.The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Pudukottai.

3.The Executive Officer,
Arulmigu Veeramakaliyamman Thirukovil
Aranthangi
Pudukottai District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records pertaining to the impugned order passed by the 3rd respondent vide Nil proceedings dated 08.01.2021 and quash the same as illegal.

For Petitioner

:Mr.M.Pon Karthikeyan

For Respondents

:Mr.M.Lingadurai for R1 & R2

Government Advocate

Mr.G.Mathavan for R3

ORDER

This writ petition has been filed challenging the impugned proceedings of the third respondent dated 08.01.2021.

2. The case of the petitioner is that he is the Thakkar of Athmanatha Swamy Madalayam, Subramaniyapuram, Aranthangi Taluk, Pudukottai District. According to the petitioner, the administration of the Madalayam was vested with Subramaniyapuram Vellan Chettiyar Uravinmurai and they have only managed the administration through the Board of executive members.



3. The grievance of the petitioner is that all of a sudden the third respondent through communication dated 08.01.2021 directed the petitioner to hand over the management of the temple on the ground that the third respondent has been appointed as a Fit person for the management of the temple. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The third respondent has filed a counter affidavit in this case. It is seen from the counter affidavit that the subject temple came within the control of the HR&CE Department in the year 1970. In the year 1976, one Nataraj Pillai was appointed as Thakkar for the temple. Thereafter in the year 1982, one Somasundaram was appointed as a Thakkar of the temple. In the year 1988, the Executive Officer, Aranthangi Veeramakaliyamman temple was appointed as a Thakkar of the temple.

5. It is further averred in the counter affidavit that the petitioner had absolutely no right over the temple and he himself without any authority entered into the administration of the temple. Therefore, the third respondent had to issue the impugned notice directing the petitioner to hand over the administration. Therefore, the third respondent has sought for the dismissal of this writ petition.

6. When the matter came up for hearing on 17.06.2021, this Court passed the following order:

"The learned counsel based on the instructions received from the second respondent submitted that one Sivagiri Nathan Chettiar and four others had filed a petition in Original Petition No.16 of 1998 under Section 64(1) of the Hindu Religious and Charitable Endowments Act before the Joint Commissioner, Tiruchirappalli to settle a Scheme for the proper Administration of the temple. This petition came to be dismissed due to non prosecution and during the pendency of this petition, the earlier orders passed by the second respondent on 10.06.1988 was not given effect to. Thereafter, several complaints were received regarding the Law and Order problem created to run the Administration of the Temple and hence, it was decided to appoint the Executive Officer based on the earlier orders passed by the second respondent.

2.The learned counsel for the petitioner sought for time to take instructions with regard to the submissions made by the learned Government counsel.



3. Post this case under the same caption on 05.07.2021."

7. Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 and 2 and the learned counsel for the third respondent.

8. The learned counsel for the petitioner submitted that even though the third respondent claims in the counter affidavit that Thakkar was appointed in the subject temple, it was never given effect to and the temple was always under the control of the Subramaniyapuram Vellan Chettiyar Uravinmurai.

9. In the considered view of this Court, the counter affidavit of the third respondent clearly explains the background of this case. Except the *ipse dixit* of the petitioner, there is absolutely no material to show that the petitioner has been in the administration of the temple. The documents that have been filed in the typed set of papers also pertain to the year 2021. If really the petitioner had been in control of the temple for the last so many years, nothing prevented the petitioner to produce the relevant documents before this Court.

10. In the considered view of this Court, there is no illegality or infirmity in the impugned letter issued by the third respondent on 08.01.2021. If at all the petitioner claims any right to administer the temple, it has to be independently worked out before the concerned authority under the HR&CE Act. For the present, it is clear from the counter affidavit that there was always a Thakkar appointed for the administration of the temple right from the year 1976 onwards. Therefore, this Court does not want to interfere with the impugned notice issued by the third respondent.

11. In the result, this writ petition is dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

RR



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 Commissioner,
Hindu Religious and Charitable Endowments Department
Chennai.
2. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Pudukottai.
3. The Executive Officer,
Arulmigu Veeramakaliyamman Thirukovil
Aranthangi
Pudukottai District.

+1 CC to M/s.SPL GP (SR-21544[F] dated 07/07/2021)

W.P. (MD)No.7780 of 2021
06.07.2021

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KK(13.07.2021) 4P 5C