



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11525 of 2021

and W.M.P. (MD) .No.9050 of 2021

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T.Narayanan

...Petitioner

Vs.

1. The District Collector,
Kanyakumari District, Nagercoil.

2. The Commissioner,
Hindu Religious and Charitable Endowments,
No.119, Uthamar Gandhi Salai, Nungambakkam,
Chennai-34.

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Vadiveeswaram Village,
Agasteeswaram Taluk,
Kanyakumari District.

4. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Vadiveeswaram Village,
Agasteeswaram Taluk,
Kanyakumari District.

5. S.Karunakaran

6. K.Rajasundarapandian

7. S.Gokulakrishnan

8. T.Rajalingaperumal

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 and 4 to inspect the Temple viz., Mutharamman Temple, belongs to Arulmigu Kulasekara Vinayagar Trust, situated at Agasteeswaram Village and Taluk, Kanyakumari District and conduct an enquiry in accordance with Management and Preservation of Properties of Religious Institution Rules, 1964 and to prevent the demolition of the Mutharamman Temple, Agasteeswaram, Kanyakumari District, by considering the petitioner's representation, dated 15.06.2019 as well as subsequent reminder dated 05.07.2021.



For Petitioner

: Mr.M.P.Senthil

For R-1 to R-4

: Mr.R.Sureshkumar
Government Advocate

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ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the third and fourth respondents to consider the representation made by the petitioner on 15.06.2019 and to take action against the Trustee and safeguard the interest of Arulmigu Kulasekara Vinayagar Trust.

2. Heard Mr.M.P.Senthil, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate appearing on behalf of the respondents 1 to 4.

3. In the considered view of this Court, the Temple in question does not come within the control of Hindu Religious and Charitable Endowments Department. If the Trust which is running the Temple is not properly administering the affairs of the Temple, the petitioner has to necessarily file a suit before the concerned Civil Court under Section 92 of C.P.C. A Writ Petition may not be maintainable and hence, liberty is given to the petitioner to work out his remedy before the competent Civil Court.

4. This Writ Petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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 District Collector,
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Hindu Religious and Charitable Endowments,
Vadiveeswaram Village,
Agasteeswaram Taluk, Kanyakumari District.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-22248[F] dated 13/07/2021)

+1 CC to M/s.SPL GP (SR-22299[F] dated 13/07/2021)

Order made in
W.P. (MD) .No.11525 of 2021
Dated:12.07.2021

KMK(CO)
TR(19.07.2021) 3P 7C