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W.P.(MD).No.13234 of 2019

T.Balan and others v. The Tahsildar

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.13234 of 2019

and

W.M.P (MD) .No.9865 of 2019

1.T.Balan
2.A.Narasimman
3.A.Rajasimman

... Petitioners

Vs.

1.The Tahsildar,
Dindigul East Taluk,
Dindigul District.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.

3.K.Radhakrishnan @ Moorthy

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the impugned order passed by the 1st respondent in Na.Ka.No.7/2019/A1, dated 30.05.2019 and to quash the same as illegal as far as not permitting the petitioners to fix the name board of the temple "Shri Kathir Narasinga Perumal Kovil, V.Mettupatti" in the temple locality.

For Petitioners : Mr.K.R.Laxman

For Respondents 1 & 2 : Mr.R.Sureshkumar
Government Advocate

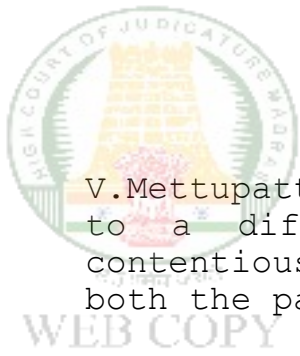
For Respondent No.3 : Mr.T.Selvan

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 30.05.2019 and for a consequential direction to fix the name board of the temple as 'Shri Kathir Narasinga Perumal Kovil', V.Mettupatti.

2. The case of the petitioner is that the temple in question has always been recognized along with the name of the place namely,

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V.Mettupatti. While so, some objection was made by persons belonging to a different place V.Kovilpatti. This ultimately became a contentious issue and a summon was issued by the first respondent to both the parties.

3. The first respondent by virtue of impugned proceedings dated 30.05.2019 directed the name of V.Mettupatti to be removed from the name board. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The second respondent has filed a counter affidavit in this case. The relevant portions in the counter affidavit are extracted hereunder:

"4. I state that the temple namely Sri Kathir Narasinga Perumal Temple is a non-listed temple and the same is under the control of HR&CE Department and the ancestors of the 2nd and 3rd petitioners had recognized as hereditary trustees as per the order passed by the Deputy Commissioner, HR&CE Department, Madurai in O.A.No.79/1959 by order dated 03.11.1960. In the (Administration) Department, Madurai have relied Ex.A1, namely the certified copy of the Register of Imams in the Village of Vadakkampatti, Dindigul Taluk, wherein column No.8, it has been categorically stated that 'for the support of Kathir Narasingaperumal pagoda at Mazara V.Mettupatti'. Therefore, the above said order passed u/s.63(b) of the HR&CE Act by the Deputy Commissioner, HR&CE, Madurai categorically mentioned by virtue of Ex.A1, the name of the temple has been mentioned as Kathir Narasingaperumal Pagoda at Mazara V.Mettupatti during the period ie., 1960 itself.

5. I state that the property register maintained u/s.29 of the HR&CE Act, also reveals the name of the temple as Sri Kathir Narasingaperumal Temple, V.Mettupatti and the said temple register has been prepared on 01.11.1978 as per Section 29 of the HR&CE Act, the same has been approved by the Deputy Commissioner during the year ie., 28.12.1966. Therefore, as per the property register maintained u/s.29 of the HR&CE Act, the name of the temple has been stated as 'Sri Kathir Narasinga Perumal Temple', V.Mettupatti.

7. I state that aggrieved over the above said order passed by the 1st respondent dated 30.05.2019, the petitioners have approached this Hon'ble Court to quash the above said order and permit them to fix the name board of the temple as "Sri Kathir Narasinga Perumal Kovil, V.Mettupatti" in the temple



locality. The 1st respondent has not looked into the statutory orders passed by the HR&CE authorities u/s63(b) of HR&CE Act and the property register maintained by the hereditary trustees namely, the 2nd and 3rd petitioners herein u/s.29 of the HR&CE Act and which was approved by the HR&CE Department in the year ie., 01.11.1978. The name of the temple reveals from the above said proceedings ie, the order passed O.A.No.79 of 1959 dated 03.11.1960 by the Deputy Commissioner, HR&CE Department, Madurai u/s.63(b) of the HR&CE Act had appreciated the certified copy of Register of Imam, which is marked as Ex.A1 reveals the name the temple Kadir Narasinga Perumal pagoda at mazara V.Mettupatty and the property register approved by the HR&CE Department as per section 29 of HR&CE Act also reveals the name of the temple 'Sri Kadhira Narasingaperumal Kovil, V.Mettupatti'. It is also pertinent to state that the arch constructed also reveals the name of temple as "Sri Kadhira Narasinga Perumal Kovil, V.Mettupatti". Therefore, the temple name is revealed in the statutory orders u/s.29 and 63(b) of the HR&CE Act as "Sri Kadhira Narasingaperumal Kovil V.Mettupatti" and the 1st Respondent passed the order without taking into consideration by directing the writ petitioners and the 3rd Respondent not to display the name of temple in the boards is need interference of the Hon'ble Court and this Respondent prays this Hon'ble Court to issue suitable direction to the 1st Respondent to display the name of the temple as Sri Kathira Narasinga Perumal Temple, V.Mettupatti in the locality as per the above said proceedings. I reserve my right to file additional counter affidavit if and when required."

5. Heard Mr.K.R.Laxman, learned counsel appearing for the petitioner, Mr.R.Sureshkumar, learned Government Advocate appearing for the respondents 1 & 2 and Mr.T.Selvan, learned counsel appearing for the 3rd respondent.

6. It is clearly seen from the counter affidavit that the temple in question is a non-listed temple under the control of the HR&CE department. That apart, even in the order passed under Section 63(b) of the HR&CE Act, the Deputy Commissioner of HR&CE., Madurai has named the temple as Kathira Narasingaperumal, V.Mettupatti. This name has been in existence right from the year 1960 onwards. Even the register that has been maintained under Section 29 of the Act shows the name of the temple along with the name of the place as



7. In view of the above, the impugned proceedings of the first respondent requires the interference of this Court. Just because some persons are wanting to add the name of their place along with the temple, that does not mean that the existing name can be altered by the first respondent and it is beyond the powers of the first respondent to have passed such an order. This is more so since the temple is under the control of HR&CE Department and as per the records maintained by the HR&CE., the temple has always be called as 'Sri Kathir Narasinga Perumal Kovil', V.Mettupatti.

8. In view of the discussion, the impugned proceedings of the first respondent dated 30.05.2019 is hereby quashed. There shall be a direction to restore the name board of the temple as 'Sri Kathir Narasinga Perumal Kovil', V.Mettupatti. This process shall be completed within a period of two weeks from the date of receipt of a copy of this order.

9. In the result, this writ petition is allowed with the above direction. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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 Tahsildar,
Dindigul East Taluk,
Dindigul District.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.

+1 CC to M/s.SPL GP (SR-21489[F] dated 07/07/2021)

W.P. (MD) .No.13234 of 2019

06.07.2021