



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2021

CORAM

THE HON'BLE MR. JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) No.13511 of 2021

and

W.M.P (MD) No.10470 of 2021

WEB COPY

V.Seenivas Thangadurai

... Petitioner

Vs.

1. The Commissioner,
Department of Hindu Religious
and Charitable Endowments,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.
2. The Joint Commissioner,
Department of Hindu Religious and
Charitable Endowments,
Thoothukudi.
3. The Assistant Commissioner,
Department of Hindu Religious and
Charitable Endowments,
Thoothukudi.
4. The Executive Officer,
Shri Arulmigu Sengottai Ayyan
Sastha Mutharamman Thirukkivil,
Office at:-
Chettiapathu, Udangudi,
Thoothududi District. Pin - 628 203.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the Petitioner's representation dated 30.06.2021 and subsequently direct them not to alienate/transfer any land in Iyan Punjai S.No.363/1A1, 1A2 and 1 E of the Naduvakurichi Village, Thoothukudi District against the interest of the Shri Senkottai Iyyan Sastha and Shri Mutharamman Temple, Naduvakurichi by violating the provisions of the Hindu Religious and Endowment Act.

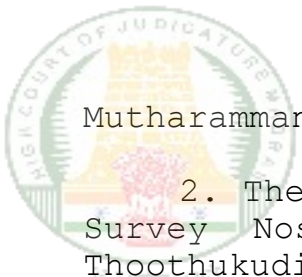
For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr. P.Subbaraj

Counsel for State - For R1 to R3

O R D E R

The petitioner seeks to prevent the alienation of lands belonging to Shri Arulmigu Sengottai Ayyan Sastha and Shri



Mutharamman Temple, Naduvakurichi Village, Thoothukudi District.

2. The petitioner states that the aforesaid temple owns land in Survey Nos.363/1A1, 1A2 and 1E of the Naduvakurichi Village, Thoothukudi District. The petitioner claims to be a hereditary trustee of the temple. He states that he has come to know that steps have been taken to alienate a portion of the temple property for constructing a building. In spite of submitting a representation objecting to such proposal, it is stated that the respondent authorities are proceeding with the proposal to put up a building on the temple property.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the respondents 1 to 3.

4. The documents on record do not contain any particulars with regard to the proposed alienation of the properties of the temple. In such circumstances, a generic order cannot be granted to prevent such alienation. The petitioner is correct in pointing out that Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act 1959 specifies the procedure to be followed if a temple property is to be alienated. Needless to say, such procedure should be followed and, in case of non-compliance, it would be open to any person aggrieved to challenge the same in accordance with law.

5. Accordingly, without going into the merits of the petitioner's representation, the respondents herein are directed to consider the petitioner's representation dated 30.06.2021 and dispose of the same by a reasoned order within a period of two months from the date of receipt of a copy of this order.

6. W.P.(MD).No.13511 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P.(MD). No.10470 of 2021 is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn
To

1. The Commissioner,
Department of Hindu Religious
and Charitable Endowments,
119, Uthamar Gandhi Salai,
Mungam, Chennai - 34.

<https://hcservices.eprints.org/hcservices/>



2. The Joint Commissioner,
Department of Hindu Religious and
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Thoothukudi.

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4. The Executive Officer,
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+1 CC to M/s.GP (SR-25531[F] dated 06/08/2021)

W.P. (MD) .No.13511 of 2021
05.08.2021

RD(16.08.2021) 3P 6C