



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.18255 of 2021

K.S.Balasubramanian

... Petitioner

Vs.

1.The Commissioner,
The Hindu Religious and
Charitable Endowment Department,
119, Uthamar Gandhi Road,
Chennai - 600 034.

2.The Joint Commissioner,
The Hindu Religious and
Charitable Endowment Department,
PP7J+PRJ, Palayamkottai,
Tirunelveli - 627 009.

3.The Assistant Commissioner,
The Hindu Religious and
Charitable Endowment Department,
Tirunelveli.

4.The Inspector,
The Hindu Religious and
Charitable Endowment Department,
Ambasamudram North,
Tirunelveli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents in taking action against the petitioner or the properties belonging to the petitioner as per the impugned order Na.ka.No.15/2018 dated 16.10.2018 issued by the fourth respondent.

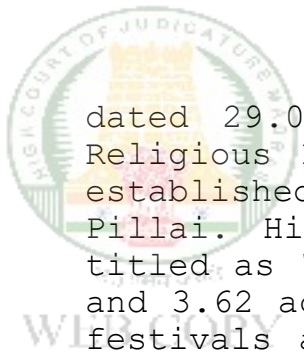
For Petitioner : Mr.N.Ganagasapapathy.

For Respondents : Mr.K.S.Selva Ganesan
Counsel for the State

O R D E R

The petitioner seeks a direction to restrain the respondents from taking action against the properties of the petitioner or against the petitioner pursuant to the order dated 16.10.2018 of the fourth respondent.

2.The petitioner states that he is the hereditary trustee of the Sri Vasagiri Balasubramania Swamy Temple. The petitioner asserts that the said temple is an excepted temple vide Board Order No.2391



dated 29.09.1934 passed by the Board of Commissioners for Hindu Religious Endowments. According to the petitioner, the temple was established by one of his forefathers, namely, Manickavasagam Pillai. His son, Chithirai Sapapathy Pillai, executed a document titled as "Silasaasanam" by which the lands admeasuring 23.86 acres and 3.62 acres were entrusted as Kattalai for performance of annual festivals at the temple. Therefore, the petitioner states that the said properties do not belong to the temple and that there was no transfer of title to the temple. Hence, the petitioner states that the respondents do not have authority to take over the said properties. The present writ petition is filed assailing the impugned order after submitting a representation dated 18.09.2021.

3.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner has assailed an order dated 16.10.2018 after the lapse of three years. He also points out that the petitioner was only called upon to provide particulars of the properties. Therefore, he states that the said order does not call for interference.

4.The petitioner relies upon an unregistered document entitled silasaasanam dated 12.10.1860. He also relies upon the order dated 29.09.1934 of the office of the Board of Commissioners for Hindu Religious Endowments, Madras. Based on such order, it is contended that the lands were granted by way of Kattalai and not by way of transfer of title. After perusal of the impugned order, it is evident that the petitioner was called upon to provide particulars of the properties. Therefore, it is open to the petitioner to enclose all relevant documents and provide an explanation. The petitioner contends that such a reply was given in the year 2018. However, there is no document in support of such submission, whereas a representation dated 18.09.2021 is on record.

5.Accordingly, the petitioner has failed to made out a case to restrain action pursuant to the communication dated 16.10.2018. However, the representation dated 18.09.2021 may be considered and disposed of by the first respondent by a speaking order within a period of four months from the date of receipt of a copy of this order.

6.W.P(MD).No.18255 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

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Tirunelveli District.

+1 CC to M/s.N.GANAGASAPAPATHY, Advocate (SR-31898[F] dated
11/10/2021)

W.P. (MD) No.18255 of 2021
08.10.2021

ES (CO) /RS (22.10.2021) 3P 6C