



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.572 of 2022
and
W.M.P.No.623 of 2022

S.Paramasivam

...Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road, Thousand Lights West,
Nungambakkam,
Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
20F, Chinnamuthu Street, Near Trust Hospital,
Perundurai Road, Erode District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Collectorate, Namakkal District.

4.Rajendran

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent to conduct enquiry pertaining to the administration of M/s.Arulmighu Shri Chinna Mariamman Temple situated at Koorakkuttai, Erayamangalam Village, Tiruchengode Taluk, Namakkal District and to take over its administration under the control of Hindu Religious and Charitable Endowment, on the basis of petitioner's representation dated 20.12.2021.

For Petitioner : Mr.T.Arockiadass
for M/s.Dass and Viswa Associates

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader
(HR & CE)



ORDER

The relief sought for in the present writ petition is to direct the 2nd respondent to conduct enquiry pertaining to the administration of Arulmighu Shri Chinna Mariaman temple situated at Koorakkuttai, Erayamangalam Village, Tiruchengode Taluk, Namakkal District and to take over its administration under the control of Hindu Religious and Charitable Endowment Department, on the basis of the petitioner's representation dated 20.12.2021.

2. Taking over of the temple administration shall be done by the competent authorities of the Hindu Religious and Charitable Endowment Department, only if the circumstances warrants but not otherwise. The competent authorities, no doubt, are empowered to conduct an enquiry if there is an allegation of mismanagement, misappropriation, fraud or otherwise in respect of any temple administration. For taking over the temple administration, procedures are to be followed and no one can claim as a matter of right.

3. The petitioner states that he submitted a representation. However, the petitioner has to submit all necessary documents to establish any such allegation warranting interference by the department. Thus, taking over a temple administration at no circumstances be a routine affair of the department, but it has to be done strictly in accordance with the provisions of the Act and Rules as contemplated.

4. This being the principles to be followed, if at all the petitioner is possessing sufficient documents to establish the mismanagement, fraud, misappropriation of the funds of the temple or otherwise, the authorities may take a decision based on the documents and by conducting appropriate enquiry in the manner known to law, but not otherwise. Thus, it is for the petitioner to establish the allegations before the competent authority.

5. With these observations, the Writ Petition stands disposed of. Consequently, connected Writ Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Kan/Jeni



To

1.The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road, Thousand Lights West,
Nungambakkam,
Chennai-34.

2.The Joint Commissioner,
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20F, Chinnamuthu Street, Near Trust Hospital,
Perundurai Road, Erode District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Collectorate, Namakkal District.

+lcc to M/s.Dass and Viswa, Advocate, S.R.No.3432
+lcc to the Government Pleader, S.R.No.3496

W.P.No.572 of 2022

PL(CO)
SB(07/02/2022)