



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.2534 of 2022

Sri Kandeewarar Arakkattalai,  
Rep by its President,  
K.Vasunathan,  
S/o. Kandasamy,  
D.No.1/550, T.P.N. Garden,  
K.Chettipalayam, Muthannampalayam Post,  
Tiruppur.

.. Petitioner

Vs.

1. The Joint Commissioner,  
Hindu Religious and Charitable  
Endowments Department,  
Tiruppur.

2. The Fit Person,  
A/M Kandeewarar Temple,  
Kandian Koil,  
Office at  
The Executive Officer,  
A/M Vishweswarasamy and  
Veeraragavaperumal Temples,  
Tiruppur Taluk and District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned signed on 29.11.2021 bearing Muu.Mu.9780/2021/A3/dated 26.11.2021 on the file of the 1<sup>st</sup> Respondent herein, quash the same and consequently direct the 1<sup>st</sup> respondent herein to number the application dated 04.07.2019 filed by the petitioner and dispose the same on merits within a stipulated time.

For Petitioner : Mr.K.Sudhakar  
for Mr.V.P.K.Gowtham

For Respondents : Mr.T.Chandrasekar  
Special Government Pleader



## O R D E R

This Writ Petition is filed for issuance of writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order signed on 29.11.2021 bearing Muu.Mu.9780/2021/A3/dated 26.11.2021 on the file of the 1<sup>st</sup> respondent herein, quash the same and consequently direct the 1<sup>st</sup> respondent herein to number the application dated 04.07.2019 filed by the petitioner and dispose the same on merits within a stipulated time.

2. According to the petitioner, A/m Kandeewarar and Kandiamman Temples, situated at Kandian Koil Village, Tiruppur Taluk and District was constructed and consecrated by the people of Odhala Kulathu Gounder, a sub sect of the Kongu Vellala Gounder community and is being managed by the members of the Odhalar Kulam community members. For the efficient administration of the temple and welfare of community members, a trust in the name of 'Sri Kandeewarar Arakkattalai' was created in the year 1985 and the same was registered on 04.10.2017 as deed No.3 of 2017. Even though the 2<sup>nd</sup> respondent is being appointed by the respondent Department, the administration of the Temple and the accounts are maintained by the 'Sri Kandeewarar Arakkattalai'. In such circumstances, in order to recognize the authority of the members of the Odhalar Kulam over the management of the Temple affairs, the petitioner along with other office bearers of 'Sri Kandeewarar Arakkattalai' filed an application under Section 64(1) of the HR & CE Act, 1959 to frame a scheme of administration of the temple from among their community before the Joint Commissioner, Coimbatore. Due to bifurcation of new jurisdiction at Tirupur, the said application was transferred to the 1<sup>st</sup> respondent herein. The 1<sup>st</sup> respondent returned the said application directing the petitioner to satisfy how the 'Sri Kandeewarar Arakkattalai', which is registered only in the year 2017 is entitled to elect the trust board. After complying the said return, the 1<sup>st</sup> respondent by the impugned order dated 26.11.2021 rejected the application of the petitioner stating that there is no nexus between 'Sri Kandeewarar Arakkattalai' and A/m Kandeewarar and Kandiamman Temples and also Odhalar kulam is not stated in the application.

3. Challenging the said order dated 26.11.2021 bearing Muu.Mu.9780/2021/A3, the petitioner has come out with the present Writ Petition.

4. Heard the learned counsel appearing for the petitioner as



well as the learned Special Government Pleader appearing for the respondents and perused the entire materials on record.

5. From the materials on record, it is seen that the petitioner is claiming that the petitioner Temple is a denomination temple belonging exclusively to the odhalar kulam of the Kongu Vellalar gounder community and the said community is managing the temple. The petitioner is now seeking a scheme to be framed by the 1<sup>st</sup> respondent for management of the temple and to elect the trustees from among their communities. In order to frame such a scheme, the petitioner must satisfy that temple is denomination temple and they have right to manage the temple and they have the right to elect the trustees from among their community. When the petitioner has not furnished the above details in the application filed by him before the 1<sup>st</sup> respondent under Section 64(1) of the HR & CE Act, 1959, the 1<sup>st</sup> respondent has rightly rejected the said application filed by the petitioner. There is no error in the impugned order of the 1<sup>st</sup> respondent.

6. However, it is open to the petitioner to file a fresh application furnishing all the details as to how they are entitled to manage the temple and trustees can be elected only from among their community people. If any such application is filed along with documents, the 1<sup>st</sup> respondent is directed to decide the matter on merits and dispose of the same.

7. With the above directions, the Writ Petition is dismissed. No costs.

Sd/-  
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

krk

To

1. The Joint Commissioner,  
Hindu Religious and Charitable  
Endowments Department,  
Tiruppur.



2. The Fit Person,  
A/M Kandeewarar Temple,  
Kandian Koil,  
Office at  
The Executive Officer,  
A/M Vishweswarasamy and  
Veeraragavaperumal Temples,  
Tiruppur Taluk and District.

+lcc to Mr.V.P.K.Gowtham, Advocate, S.R.No.9795

W.P.No.2534 of 2022

NK(CO)  
SU(07/03/2022)