



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.3531 of 2022

K.Gopal

.. Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai - 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Salem - 636 001.

3. The Executive Officer,
Arulmighu Sri Sakthi Kaliyamman Temple,
Salem - 636 402.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd and 3rd Respondents to permit the Petitioner to conduct this year's festival and other connected temple works as mentioned in the affidavit for 'Maasi Maasa Thiruvizha' which is scheduled from 22.02.2022 to 10.03.2022 and 'Aadi Maasa Thiruvizha' scheduled during the month of July in accordance with the customary practice in Arulmighu Sri Sakthi Kaliyamman Temple.

For Petitioner : Mr.R.Bhalasubramaniam
for Ms.B.Aparna

For Respondents : Mr.K.Karthikeyan
Government Advocate (HR & CE)

O R D E R

This Writ Petition is filed for issuance of writ of Mandamus, to direct the respondents 2 & 3 to permit the



petitioner to conduct this year's festival and other connected temple works as mentioned in the affidavit for 'Maasi Maasa Thiruvizha' which is scheduled from 22.02.2022 to 10.03.2022 and 'Aadi Maasa Thiruvizha' scheduled during the month of July in accordance with the customary practice in Arulmighu Sri Sakthi Kaliyamman Temple.

2. According to petitioner, Arulmighu Sri Sakthi Kaliyamman Temple, situated in the Railway Colony, Mettur Dam (R.S.) was constructed by S.Krishnasaamy Pillai and Kandhasamy Gounder, who were retired railway employees. They are maintaining the Arulmighu Sri Sakthi Kaliyamman Temple from the year 1963. Subsequently in the year 1981, the HR & CE department had taken over the Temple and Executive Officer of Sri Kalasanathar Temple, Tharamangalam was appointed as the Executive Officer of Arulmighu Sri Sakthi Kaliyamman Temple to look after the management. Therefore, S.Krishnasaamy Pillai, being the founder of the Temple filed a suit in O.S.No.79 of 1983 against the 3rd respondent not to disturb the management of the Temple. The said suit was decreed by the judgment and decree dated 27.06.1983. Thereafter, the petitioner and others celebrated the festivals and functions in a peaceful manner. In the year 1991, a new Executive Officer was appointed. The new Executive Officer along with four persons made an attempt to disturb the functions of the petitioner and others. Hence, the petitioner and others filed suit in O.S.No.115 of 1991 before the District Munsif Court, Mettur. The said suit was dismissed for non-prosecution. After the dismissal of the said suit, the HR & CE department has taken over the management of the Temple. The petitioner filed O.S.No.356 of 2012 before the District Munsif Court, Mettur for permanent injunction restraining the respondents from interfering with his peaceful possession and enjoyment of the suit property in conducting the Temple works by the petitioner. The said suit was dismissed. Against the dismissal of the said suit, the petitioner has filed an appeal and the said appeal is pending before the District Court. In such circumstances, the petitioner has given representation dated 16.06.2021 to the 2nd respondent to permit him to conduct the temple festival and other connected temple works in Arulmighu Sri Sakthi Kaliyamman Temple in accordance with the customary practice. Since, no order is passed on the said representation, the petitioner has come out with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (HR & CE) appearing for the respondents and perused the entire materials on record.

4. From the facts stated above, it is seen that the Temple is taken over by the HR & CE department and 3rd respondent is appointed as Executive Officer and he is administering the



Temple. The petitioner claims to be the Secretary of the committee earlier formed for management of the Temple before it was taken over by the HR & CE department. The suit in O.S.No.356 of 2012 filed by the petitioner was dismissed and according to the petitioner, the appeal filed by him is also pending. The petitioner has not established his right to conduct the festivals as mentioned in the representation. In so far as management of the temple is with the 3rd respondent and he is conducting all the festivals, the petitioner is not entitled to the relief sought for now in the present Writ Petition.

5. For the above reasons, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

krk

To

1. The Commissioner,
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Endowments Department,
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GPL (CO)
CT 09/03/2022