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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.4607 OF 2022

K.K.Narasimhan

.. Petitioner

Vs.

1. The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam High Road,
Nungambakkam,
Chennai - 600 034.

2. The Joint Commissioner,
Office of the Hindu Religious &
Charitable Endowments Department,
Salem - 1.

3. The Fit Person / the Executive Officer,
Arulmighu Karapurathanar Thirukovil,
Uthamacholapuram,
Salem District.

4. T.G.Soundararajan,
S/o. K.R.T.Govindarajan,
Hereditary Trustee,
Arulmigu Mariamman, Kalamman, Sarva Siddhi
Vinayagar Muniappan Thirukovilgai,
No.43, Mariamman Koil Street,
Kondalampatti,
Salem - 636 010.

.. Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to Appoint a fit person / Special officer to conduct Panguni Thiruvizha for Mariamman and Kaliyamman temple this year 2022.



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For Petitioner :Ms.C.A.Sharmila

For RR 1 to 3 :Mr.S.Yashwanth
Additional Government Pleader (HR & CE)

For R4 :Mr.K.Selvaraj

O R D E R

This Writ Petition is filed for issuance of Writ of Mandamus, directing the respondents to appoint a fit person / Special Officer to conduct Panguni Thiruvizha for Mariamman and Kalliamman temple this year, 2022.

2.Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader (HR & CE) appearing for the respondents 1 to 3 and the learned counsel appearing for the 4th respondent and perused the entire materials on record.

3.According to petitioner, the father of 4th respondent and others gifted 10.5 acres of land in and around the temple premises in favour of the Mariamman and Kalliamman temple. The executors of gift deed had insisted to form a temple trust, consisting of 9 members and the income derived from the said land should be utilized for the maintenance of the temple to conduct festivals periodically and to maintain other expenses. But no trust was formed. The father of the 4th respondent was managing the affairs of the temple and conducting the festivals. Based on the application, the father of the 4th respondent was declared as hereditary trustee. After the death of father of 4th respondent, the 4th respondent was declared as hereditary trustee on his application. According to the petitioner, from the year 1973, the family members of 4th respondent are collecting rent, which comes to Rs.10,00,000/- (Rupees Ten Lakhs Only) per month and also a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand Only) per year for weekly market and thus they are misappropriating the funds of the temple. On complaint, the 2nd respondent by the order dated 26.03.2021, suspended the 4th respondent from the post of hereditary trustee. Therefore, the 4th respondent filed Writ Petition in W.P.No.8360 of 2021 before this Court. This Court by the order dated 30.03.2021, granted interim stay on condition that the 4th respondent executes an undertaking to the effect that he will not deal with any of the temple assets or funds. Contrary to the said undertaking, the 4th respondent has conducted temple festival from 24.03.2021 to 12.04.2021 by collecting funds from general public. The 4th respondent is also taking steps to conduct the festival this year on 19.03.2022 by collecting funds. Hence, the petitioner has come out with the present Writ Petition for a direction to



the respondents to appoint a Fit Person / Special Officer to conduct Panguni Thiruvizha this year i.e., 2022 for Mariamman and Kalliamman temple.

4. When the matter is taken up for hearing, the learned counsel appearing for the petitioner, Mr.S.Yashwanth, learned Additional Government Pleader (HR & CE) appearing for the respondents 1 to 3 and the learned counsel appearing for the 4th respondent submitted that peace committee meeting was conducted on 15.03.2022 and in the meeting, it was agreed that 4th respondent can conduct the Panguni Thiruvizha this year i.e., 2022 for Mariamman and Kalliamman temple from and out of his own funds.

5. From the materials on record, it is seen that on complaint against the 4th respondent that he is mismanaging the affairs of the temple, he was temporarily suspended from the post of Hereditary Trustee by the order dated 26.03.2021 pending enquiry. The 4th respondent challenged the said order by filing Writ Petition before this Court in W.P.No.8360 of 2021. This Court taking note of the fact that order suspending 4th respondent was based on interim report and the enquiry is ongoing, granted interim stay of the said order, on condition that 4th respondent gives an undertaking that he will not deal with any of the temple assets or funds.

6. In view of the interim order passed in W.P.No.8360 of 2021 and the contention of the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader (HR & CE) appearing for the respondents 1 to 3 and the learned counsel appearing for the 4th respondent that in the peace committee meeting held on 15.03.2022, it was agreed that 4th respondent can conduct the festival for this year i.e., 2022 from and out of his own funds, this Writ Petition is liable to be dismissed and hence, the same is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

krk



To

1. The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
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Chennai - 600 034.
2. The Joint Commissioner,
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Charitable Endowments Department,
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3. The Fit Person / the Executive Officer,
Arulmighu Karapuranathar Thirukovil,
Uthamacholapuram,
Salem District.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.18054

+1cc to the Special Government Pleader, S.R.No.18689

W.P.No.4607 of 2022

SKM(CO)
PM/30/03/2022