WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

C O R A M

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.NO.6341 OF 2022

H.M.Shivakumar
Aged about 50 years,
S/o.Muni Aachari,
President:
Hosur Taluk Viswakarma Annaithu
Tholilalargal Nala Sangam,
(Sri Guru Reg. No.2/1943, Act 1975 (Tamil Nadu) Act 270F, 1975, New 34/2007)
New SI.No.131, Weaver's Street,
Hosur - 635 109,
Krishnagiri District,
Tamil Nadu. ...Petitioner

Vs

1.The Principal Secretary to Government,
Government of Tamilnadu,
HR & CE Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner,
Hindu Religious & Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Thiruvannamalai.

4.The Executive Officer,
Arulmighu Kalikambal Kamaateeswarar Thirukoil,
Chennathur Village,
Hosur Taluk,
Krishnagiri District. ...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to consider the petitioner's

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

representation dated 24.09.2021 in accordance with law and grant permission for the construction of a Marriage-Hall (Viswakarma Samudhaya Nala Koodam) to be constructed in the vacant land belonging to the temple namley "Arulmigu Kalikambal Sametha Kamateshwarar Temple" comprised in Survey No.821/1 situated near Hosur Bus Stand, Krishnagiri District.

For Petitioner : Mr.C.Veeraraghavan
For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader[HR & CE]

ORDER

This Writ Petition is filed seeking for a direction to the respondents to consider the petitioner's representation dated 24.09.2021 in accordance with law and grant permission for the construction of a Marriage-Hall (Viswakarma Samudhaya Nala Koodam) to be constructed in the vacant land belonging to the temple namley "Arulmigu Kalikambal Sametha Kamateshwarar Temple" comprised in Survey No.821/1 situated near Hosur Bus Stand, Krishnagiri District.

2.Heard the learned counsel appearing for the petitioner as well as Mr.Mr.N.R.R.Arun Natarajan, learned Special Government Pleader [HR & CE], appearing for the respondents and perused the materials on records.

3.According to the petitioner, there is a vacant land measuring 2.82 acres belonging to the Arulmighu Kalikambal Kamaateeswarar Thirukoil, Chennathur Village, Hosur Taluk, Krishnagiri District. The said temple belongs to petitioner's community and since the land is kept unused by the temple, taking advantage of the same, some third parties are establishing flower shop and trying to encroach the said land. The petitioner's Association is maintaining the temple properties for more than 70 years and taking steps for the development of the temple. In order to protect the said land, the petitioner's Association intends to construct Marriage-Hall in the land comprised in S.No.821/1 situated near Hosur Bus Stand, Krishnagiri District and gave representation dated 24.09.2021 to the respondents. The respondents have not considered the same and hence, the petitioner has come out with the present Writ Petition.

4.Mr.N.R.R.Arun Natarajan, learned Special Government Pleader [HR & CE], appearing for the respondents submitted that the temple authority has decided to construct flower market and commercial complex in the temple land. The 2nd respondent has also sanctioned payment by proceedings in **ஆணையர் செ.மு.ந.க.எண்.7601/2021/ஓய்3** dated 08.12.2021. Now, the 4th respondent has quoted

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

tender for construction of flower market and the same was published in the newspaper on 16.03.2022 and fixed opening of the tender on 07.04.2022 at 4.00 pm. Therefore, the petitioner has no vested right to construct the Marriage-Hall in the land belonging to the temple and prayed for dismissal of the Writ Petition.

5.From the above rival submissions it is seen that, the said land belonging to the Arulmighu Kalikambal Kamaateeswarar Thirukoil, Chennathur Village, Hosur Taluk, Krishnagiri District is under the control of Hindu Religious & Charitable Endowment Department. The petitioner and some third parties have no right to seek permission for constructing Marriage-Hall or any other building in the temple land. It is for the authority of the Hindu Religious & Charitable Endowment Department to decide how to utilise the property of the temple for the best benefit of the temple. Already the 4th respondent has invited tender for the construction of flower market. In view of the above, the petitioner is not entitled for the relief sought for in the present Writ Petition and they have no right to approach the authority seeking to permit the petitioner to construct the Marriage-Hall.

6.With the above observations, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

rst

To:

1.The Principal Secretary to Government,
Government of Tamilnadu,
HR & CE Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner,
Hindu Religious & Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Thiruvannamalai.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

4.The Executive Officer,
Arulmighu Kalikambal Kamaateeswarar Thirukoil,
Chennathur Village,
Housr Taluk,
Krishnagiri District.

+1cc to M/s.C.Veeraraghavan, Advocate, Sr.No.18431

+1cc to the Government Pleader, Sr.No.18688

W.P.No.6341 of 2022

RGN(CO)
RVM(04/04/2022)

https://hcservices.ecourts.gov.in/hcservices/