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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.8965 OF 2022

AND

W.M.P.NOS.8792, 8793 & 8797 OF 2022

Sri Kadumbadi Amman @ Kadumbadi Chinnamman Temple
rep. by its Trustees

1. Gowri Ammal
2. T.M.Parameswari
3. T.M.Murali
4. T.M.Thanigachalam
5. T.M.Kalpana

... Petitioners

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.
2. The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Nungambakkam, Chennai - 600 034.
3. The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
No.130, R.K.Mutt Road, Mylapore,
Chennai - 600 004.
4. The Assistant Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
No.130, R.K.Mutt Road, Mylapore,
Chennai - 600 004.



5. The Inspector of Police,
Crime Branch, D4 Police Station,
Zambazar, Royapettah,
Chennai - 600 014.

6. Aravind

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents 2 to 4 not to disturb the Petitioner Temple without due process of law.

For Petitioners	:	Ms.S.Vijayalakshmi for Mr.K.Narasimhan
For R1	:	Mr.P.Manoj Kumar Standing Counsel (Chennai Corporation)
For RR 2 to 4	:	Mrs.M.Geetha Thamaraiselvan Special Government Pleader
For R5	:	Mr.R.Kumaravel Additional Government Pleader

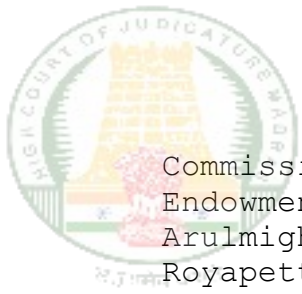
O R D E R

The petitioner has come out with the present Writ Petition for a direction to the respondents 2 to 4 not to disturb the petitioner without due process of law.

2.By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard the learned counsel appearing for the petitioner, learned Standing Counsel appearing for 1st respondent, learned Special Government Pleader appearing for respondents 2 to 4 as well as the learned Additional Government Pleader appearing for the 5th respondent and perused the entire materials on record.

4.According to the petitioners, Sri Kadumbadi Amman @ Kadumbadi Chinnamman Temple was constructed by their ancestor P.Ramasamy Chettiar in the year 1882. The Temple is comprised in R.S.No.26, Block No.17, measuring to an extent of 3 grounds and 75 sq.ft. The petitioners ancestor P.Ramasamy Chettiar was managing the affairs of the temple. Subsequently, the family members of the petitioners were managing the affairs of the Temple as Hereditary Trustees. On 01.12.2003, the Joint



Commissioner, Tamil Nadu Hindu Religious and Charitable Endowments Department has appointed the Executive Officer of Arulmighu Sithi Pudhi Vinayagar and Sundareswar Temple, Royapettah, Chennai - 600 034, as Fit Person of the petitioners' Temple. Challenging the said order dated 01.12.2003, the husband of 1st petitioner and father of the petitioners 2 to 5, preferred an appeal before the Commissioner, Tamil Nadu Hindu Religious and Charitable Endowments Department, Chennai. The Commissioner, after conducting enquiry, by the order dated 14.07.2004, allowed the appeal and set aside the order dated 01.12.2003. The Commissioner, in his order dated 14.07.2004, while setting aside the order of appointment of Fit Person to the petitioners' Temple, held that there need not be any application to declare the persons who are in next in line of succession of Hereditary Trustees of petitioners' Temple. Subsequently, the 1st petitioner's husband and father of petitioners 2 to 5 viz., T.Mani Chettiar, was holding office of the Hereditary Trustee of the petitioner Temple and was maintaining and administering the Temple. The said T.Mani Chettiar died on 14.02.2018. After the death of T.Mani Chettiar, the petitioners have filed application under Section 54(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, for declaring them as Hereditary Trustees, even though there is no necessity for filing application in view of the judgment of this Court reported in 1990 (1) LW 144, [Prem Anand Vs. The Commissioner, Hindu Religious and Charitable Endowments, Madras and another]. After hearing the said application, the Joint Commissioner reserved orders on 02.01.2019. Till now, no orders is passed on the said application.

5.Earlier, the 1st petitioner's husband and father of petitioners 2 to 5 has filed O.A.No.14 of 1998 under Section 63 (a) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, to declare that petitioners' Temple is not a religious institution as defined under Section 6(18) of the Act. During pendency of O.A.No.14 of 1998, the 1st petitioner's husband and father of petitioners 2 to 5 died. After the death of said T.Mani Chettiar, the petitioners were impleaded in the said application by the order dated 29.08.2018 and the said application is pending. While so, the 6th respondent with intention to grab the Temple property claiming to be the Secretary of 'Arulmighu Kadumbadi Chinnamman Thirukkoil Retrieval Committee', is creating problem in the administration of the Temple. The officials of the Temple are colluding with 6th respondent.

6.On 09.12.2021, some unidentified persons came to the Temple premises and threatened the petitioner to open the Temple for inspection. When the petitioners demanded their identity,



they informed the petitioners that they are the officials of the Tamil Nadu Hindu Religious and Charitable Endowments Department. The petitioners gave a complaint to the 5th respondent on 06.01.2022. Again on 08.01.2022, some unknown persons, not connected with Temple, trespassed into the Temple premises and threatened the petitioners. When the petitioners demanded their identity, they left the place. Again the petitioners lodged a complaint before the 5th respondent on 08.01.2022. The 5th respondent based on the complaint, found that the said person is one Velayudham, who is the Temple staff of Ellaiamm Temple, Triplicane, Chennai - 600 005. The 5th respondent has warned the said Velayudham not to indulge in such activities, without any warrant or intimation from the Department. Again the petitioners have lodged a complaint on 12.01.2022 and also complaint through e-mail on 31.01.2022 to the 1st respondent and another written complaint to the 5th respondent.

7. According to the petitioners, the action of the officials of the Tamil Nadu Hindu Religious and Charitable Endowments Department are nothing but purposely causing threat to the petitioners to prevent them from getting order in O.A.No.14 of 1998, pending before the Joint Commissioner, Tamil Nadu Hindu Religious and Charitable Endowments Department, Chennai, the 3rd respondent herein. The learned counsel appearing for the petitioners further submitted that the Inspector of Vigilance and Anti-Corruption, Chennai also forwarded the complaint given by the petitioners to the 1st respondent, requesting to take action. The officials of the Department, without following due process of law, is directing to take over the management by illegal manner and are threatening the petitioners. In such circumstances, the petitioners have come out with the present Writ Petition as the 1st respondent has not passed any orders in the representation.

8. Mrs. M. Geetha Thamaraiselvan, learned Special Government Pleader appearing for the respondents 2 to 4 submitted that the petitioners are preventing the officials of the respondents 2 to 4 from inspecting the Temple. The petitioners are constructing a building which prevents the view of the Temple Tower. Hence, the petitioners are not entitled for the relief sought for in the present Writ Petition and prayed for dismissal of the Writ Petition.

9. From the materials on record and the typed set of papers filed by the petitioners, it is seen that the petitioners have sent representation dated 04.02.2022 to the 2nd respondent alleging that without following any procedures, the officials of the Tamil Nadu Hindu Religious and Charitable Endowments Department are interfering with the administration of the



Temple. According to the petitioners, two applications filed by them under Sections 54(1) and 63(a) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 are pending before the Tamil Nadu Hindu Religious and Charitable Endowments Department.

10. Considering the above materials, the 2nd respondent is directed to instruct the officials not to interfere with the management of the Temple without following the procedures contemplated under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The petitioners are also making serious allegations against the officials of the Tamil Nadu Hindu Religious and Charitable Endowments Department. Considering the nature of relief sought for by the petitioners, the 2nd respondent is directed to enquire the complaint given by the petitioners against the officials and take appropriate action within a period of four weeks from the date of receipt of a copy of this order, if allegations made by the petitioners are true.

11. With the above directions, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai - 600 003.
2. The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Nungambakkam, Chennai - 600 034.
3. The Joint Commissioner,
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4. The Assistant Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowments Department,
No.130, R.K.Mutt Road, Mylapore,
Chennai - 600 004.

5. The Inspector of Police,
Crime Branch, D4 Police Station,
Zambazar, Royapettah,
Chennai - 600 014.

+1cc to Mr.P.Manoj Kumar, Advocate, S.R.No.25566

+1cc to Mr.K.Narasimhan, Advocate, S.R.No.24726

+1cc to the Government Pleader, S.R.No.25568

W.P.No.8965 of 2022

SVI (CO)
RLP (04/05/2022)