



W.P. No. 25090 of 2014

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 30.11.2022**

**CORAM**

**THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU**

**W.P. No. 25090 of 2014**

**and**

**M.P. Nos. 1 to 3 of 2014**

Arulmighu Sri Gangai Amman Koil,  
Brahmin Street,  
Velacherry,  
Chennai - 600 042,  
Represented by its Secretary, B.Jayabal

... Petitioner

-VS-

1. The Commissioner,  
Hindu Religious and Charitable Endowments Board,  
Uthamar Gandhi Salai,  
Nungambakkam,  
Chennai - 600 034.
2. The Joint Commissioner,  
Hindu Religious and Charitable Endowments Board,  
Uthamar Gandhi Salai,  
Nungambakkam,  
Chennai - 600 034.
3. The Assistant Commissioner,  
Hindu Religious and Charitable Endowments Board,  
Uthamar Gandhi Salai,  
Nungambakkam,  
Chennai - 600 034.
4. The Thakkar/Executive Officer,  
Arulmighu Dhandeeswarar Thirukoil,  
Velacherry,  
Chennai - 600 042.

...



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Respondents

**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the Third Respondent herein in Se. Mu. Na. Ka. 4007/2010/Aa2 dated 10.03.2011 and the consequential order of the Second Respondent herein in Na. Ka. No. 11304-1/P.C./13 dated 24.10.2013, quash the same.

For Petitioner : No appearance

For Respondents : Mr. N.R.R.Arun Natarajan,  
Special Government Pleader

### ORDER

Heard Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. There is no representation for the Petitioner when the matter is called at 12.05 p.m. today.

3. The Writ Petition has been filed by Arulmighu Sri Gangai Amman Thirukovil represented by its Secretary, B.Jayabal, challenging the Order in Se. Mu. Na. Ka. 4007/2010/Aa2 dated 10.03.2011 passed by the Third Respondent



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appointing the Fourth Respondent as the Fit Person of the Temple of the  
Petitioner and the consequential notice dated 14.09.2011 issued by the Fourth  
Respondent calling upon the Petitioner to hand over charge to him.

4. It is represented by Learned Special Government Pleader appearing for the Respondents that the impugned order has been passed in the exercise of powers conferred under Section 49(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short). It is accepted by the Petitioner in the affidavit filed in support of the Writ Petition that Arulmighu Sri Gangai Amman Koil is of ancient origin, but there is nothing to show as to how the Petitioner could represent the said Temple. In this context, it is brought to notice that an earlier Writ Petition in W.P. No. 14346 of 2014 filed by the said B.Jayabal has been dismissed by this Court by order dated 04.06.2014 holding as follows:-

*“3. Though the Petitioner claims to be the Secretary of the Temple, there is no document produced to show his legal status. The Learned Counsel would submit that the villagers have appointed the Petitioner as Secretary. In my considered opinion, such appointment will not give him any legal status to administer the Temple. Above all, the Learned Counsel would*



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*submit that there is likelihood of the Temple being taken over by the Government. When that being so, if the Petitioner has got any grievance of the said action of the HR & CE Department, he can very well work out his right in the manner known to law. As of now, it is not made clear to this Court as to what is the legal status and legal right of the Petitioner to manager the affairs of the Temple.*

4. *In view of the above, I do not find any merit at all in the Writ Petition. The Writ Petition fails and accordingly, the same is dismissed. No costs.”*

Viewed from that perspective, it is not possible to entertain this Writ Petition also for the same reasons mentioned in that order.

5. In the Status Report dated 29.11.2022 filed by the Fourth Respondent, it has been stated as follows:-

*“5. I humbly submit that the Arulmigu Gangai Amman Temple which more than 200 years old, is situated in Brahmin Street, Velachery, Chennai. The above said Temple is a non listed*



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*Temple under Section 49 of the Tamilnadu Hindu Religious and Charitable Endowments Act, 1959, which comes under the jurisdiction of Assistant Commissioner, HR & CE Department that the Third Respondent herein. The above said Temple is more than 200 years old.*

6. *I humbly submit that the administrators of the above said Temple without seeking prior permission from the Department had installed hundiya and collecting the money from the worshippers and public. In the regard various complaints had been received. Hence, based on the report of the Inspector, HR & CE, Chennai, the Third Respondent appointed the Executive Officer of the Arulmigu Dhandeeswarar Temple as the Fit Person to the above said Temple, i.e., Arulmigu Gangai Amman Temple. When the Fourth Respondent went to take charge of the said Temple, the administrators of the Temple had stated that they had filed this Writ Petition challenging the appointment of the Fourth Respondent as Fit Person to take charge of the Temple, i.e., Arulmigu Gangai Amman Temple and restrained the Fourth Respondent from taking charge over the Temple. Due to the*



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*pendency of this Writ Petition charge by the Fourth Respondent*

*could not take charge of the Temple.”*

There does not appear to be any justification to restrain the Respondents from taking further action pursuant to the impugned order following the prescribed procedure under the relevant statutory provisions in accordance with law.

6. In the result, the Writ Petition, which is devoid of merits, is dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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vjt

Index: Yes/No

**Note: Issue order copy by 06.01.2023.**

To

1. The Commissioner,  
Hindu Religious and Charitable Endowments Board,  
Uthammar Gandhi Salai,  
Nungambakkam,  
Chennai - 600 034.
2. The Joint Commissioner,  
Hindu Religious and Charitable Endowments Board,  
Uthammar Gandhi Salai,  
Nungambakkam,  
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3. The Assistant Commissioner,  
Hindu Religious and Charitable Endowments Board,



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Uthammar Gandhi Salai,  
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4. The Thakkar/Executive Officer,  
Arulmighu Dhandeeswarar Thirukoil,  
Velacherry,  
Chennai - 600 042.

Copy to

Arulmighu Sri Gangai Amman Koil,  
Brahmin Street,  
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Chennai - 600 042,  
Represented by its Secretary, B.Jayabal



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**P.D. AUDIKESAVALU, J.**

**vjt**

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**30.11.2022**