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WP.No.33325 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.33325 of 2022 &

W.M.P.Nos.32767 & 32768 of 2022

P.S.Sasikumar

... Petitioner

Vs

1. The Commissioner,
H.R.&C.E., 119, Nungambakkam High Road,
Chennai – 600 034.
 2. The Joint Director,
H.R.&C.E., Kottai Mariamman Temple Compound,
Salem – 636 001, Salem Taluk, Salem District.
 3. The Assistant Commissioner,
H.R.&C.E., Kottai Mariamman Temple Compound,
Salem – 636 001, Salem Taluk, Salem District.
 4. The Executive Officer,
H.R.&C.E., Arulmigu Prasana Venkadachalapathi,
Mariamman Vagaira Temples, Shevapet,
Salem Town, Salem Taluk, Salem District.
- ... Respondents



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Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the order passed by the fourth respondent dated 25.11.2022 and to quash the same as illegal, incompetent and violation of principle of natural justice.

For petitioner : Mr.Kousik

For Respondents : Mr.K.Karthikeyan
Government Advocate

ORDER

This writ petition has been filed to quash the impugned order passed by the fourth respondent dated 25.11.2022 appointing a Fit person to the temple as illegal, incompetent and violation of principle of natural justice.

2. It is the case of the petitioner that the Mariamman Temple is denominational temple and the temple and house were constructed by one Veerappa Nayakar in his patta land sale deed No.470/1904 . They have also filed a suit in O.S.No.596 of 1983 to declare that the denominational temple exclusively belongs to the Vanniyar Community living in Manakadu and the suit was decreed in year 1999 wherein it is has been held that



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temple is a denominational temple and Tamil Nadu Hindu Religious and Endowment Department does not apply to the temple and also granted permanent injunction from exercising any jurisdiction. When the matter stood thus, on 02.12.2022, the fourth respondent sent a letter to hand over the charge to the fifth respondent. When the petitioner enquired, he came to know that on 23.12.2020, the fourth respondent has been appointed as a fit person to the temple. Challenging the same, the present Writ Petition has been filed.

3. Mr.K.Karthikeyan, Government Advocate takes notice for the respondents.

4. I have perused the judgment passed in O.S.No.896 of 1983. The suit has been decreed in favour of the petitioner wherein the respondents are party in the suit. In the suit it has been held that the temple is a denominational temple and Tamil Nadu Hindu Religious and Endowment Act will not apply to the temple. The respondent has not disputed the decree and judgment of the Civil Court which is operating against the respondent and the Civil Court has held that it is only a denominational



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temple and the Tamil Nadu Hindu Religious and Endowment Act will not apply to the temple and hence, appointing of fit person and exercising powers under the Tamil Nadu Hindu Religious and Endowment Act will not arise at all.

5. The only grievance of the respondent is that the petitioner has not uploaded the details of the property in the temple website.

6. Accordingly, the impugned Order is hereby set aside and this Writ Petition is allowed. The petitioner is directed to upload the details of the properties of the temple in the temple website within one month from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petitions are closed No costs.

12.12.2022

vrc



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N.SATHISH KUMAR, J.

VTC

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