



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.8180 of 2011

and M.P. (MD)Nos.2 and 3 of 2011

WEB COPY

A.Govindan

President

Sri Durga Selli Amman Public Service Trust,

Adirampattinam,

Pattukkottai Taluk,

Thanjavur District.

... Petitioner

versus

1. The District Collector,
Thanjavur.

2. The Assistant Director,
Town Panchayat,
Thanjavur Zone,
Panagal Building,
Thanjavur.

3. The Executive Officer,
Adirampattinam Town Panchayat,
Adirampattinam,
Pattukkottai Taluk, Thanjavur District.

4. The Commissioner,
Hindu Religious & Charitable Endowments,
Chennai.

5. The Joint Commissioner,
Hindu Religious & Charitable Endowments,
Thanjavur.

6. The Executive Officer
Sri Arulmighu Durga Selli Amman Temple,
Adirampattinam,
Pattukkottai Taluk,
Thanjavur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records relating to the impugned order passed by the second respondent in Na.Ka.No.1666/2011 Peru dated 07.07.2011 and quash the same .



For Petitioner : Mr.B.Vijay Karthikeyan
For R1 to R5 : Mr.P.T.Thiraviam,
Government Advocate
For R6 : Mr.V.Chandrasekar

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ORDER

This writ petition is filed against the proceedings dated 07.07.2011. By the impugned proceedings dated 07.07.2011, the second respondent/the Assistant Director of Town Panchayat, Thanjavur, made a proposal to the fifth respondent/the Joint Director of Hindu Religious & Charitable Endowments, Thanjavur, to take over the administration of a Kalyana Mandapam in Survey No.262/37 of Adiramapattinam Town Panchayat.

2. The land in Survey No.262/37 of Adiramapattinam Town Panchayat, belongs to Arulmigu Durga Selli Amman Temple and the said Temple is under the control of HR&CE. Without obtaining any valid permission, the Town Panchayat spent some money in constructing a Kalyana Mandapam, at a cost of Rs.19 lakhs. After completing the construction of Kalyana Mandapam, the Town Panchayat passed a resolution on 11.09.2007 to handover the Kalyana Mandapam to the temple administration. But, the petitioner Trust has taken over the administration of Kalyana Mandapam and was collecting daily rent of Rs.5,000/- for marriage and other functions. On receipt of complaints, the Assistant Director of Town Panchayat conducted a spot inspection and ascertained that the Kalyana Mandapam lies in the temple property and by the communication impugned in this writ petition, made a proposal to the Joint Commissioner of HR&CE, Thanjavur, to take over the administration of Kalyana Mandapam. Challenging the same, the present writ petition has been filed.

3. When the writ petition came up for hearing on 29.03.2022, the learned counsel for the petitioner submitted that the petitioner is no more. Therefore, he sought time to implead the legal heirs of the deceased petitioner.

4. This writ petition is filed by one A.Govindan in the capacity as President of Durga Selli Amman Public Service Trust, Adiramapattinam. Though the petitioner claimed that Durga Selli Amman Public Service Trust is a charitable trust, no document has been placed before this Court that the Trust is a registered one and he is the President of the Trust. So, in order to provide an opportunity, to place the document that the Trust is a registered one and to implead the legal representative of the deceased petitioner, this Court adjourned the matter to 31.03.2022 and 07.04.2022. However, no steps have been taken to implead the legal representative of the deceased petitioner and no document has been placed that the Trust is a registered one.



5. The learned counsel appearing for the 6th respondent raised an objection that this writ petition itself is not maintainable. The petitioner is a stranger, who is nothing to do with the Kalyana Mandapam, using this writ petition as a tool to usurp the temple property.

6. This Court perused the materials available on record.

7. Perusal of the materials reveal that the petitioner, by creating a Trust in the name of the Temple, has attempted to usurp the property of the temple and used this writ petition as a tool to achieve his object. Admittedly, the said Kalyana Mandapam was constructed in the temple land without any permission from the HR&CE Department and from Temple authority. The petitioner, who is the President of the Trust and also then Vice President of the Panchayat, has diverted the panchayat fund and MP fund for constructing the Kalyana Mandapam in the Temple land and by creating a Trust in the name of the temple, has illegally taken over the possession of the Kalyana Mandapam and was enjoying the same. On the complaints, the second respondent/the Assistant Director of Town Panchayat conducted a spot inspection and found that the Kalyana Mandapam was constructed in the temple land through panchayat fund and MP fund, however, without any permission from the temple authority. The Town Panchayat also passed a resolution on 11.09.2007 to handover the Kalyana Mandapam to the Temple administration. Therefore, there is no reason to interfere with the order impugned in this writ petition. Moreover, as rightly pointed out by the learned counsel for the 6th respondent, the petitioner is not having any locus to maintain this writ petition. The petitioner, who is a third party, cannot claim right over the Kalyana Mandapam, which lies in the temple land. Therefore, the writ petition deserves to be dismissed.

8. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

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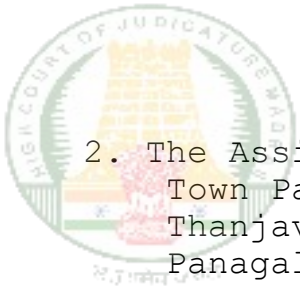
/ /2022

Sub Assistant Registrar(CS)

To

1. The District Collector,
Thanjavur.

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



2. The Assistant Director,
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Thanjavur District.

+1 CC to M/s.V. CHANDRASEKAR, Advocate (SR-20153[F] dated 21/04/2022)

+1 CC to M/s.SPL.GP. (SR-20511[F] dated 22/04/2022)

+1 CC to M/s.SPL.GP. (SR-20481[F] dated 22/04/2022)

+1 CC to M/s.B. VIJAY KARTHIKEYAN, Advocate (SR-20568[F] dated 22/04/2022)

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