



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.04.2022
CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

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Writ Petition (MD) Nos.4864 of 2022 and 16987 of 2017
and
W.M.P. (MD) Nos.4021 of 2022 and 13538 of 2017

W.P. (MD)No.4864 of 2022:-

P.L.Dhinakaran

.. Petitioner

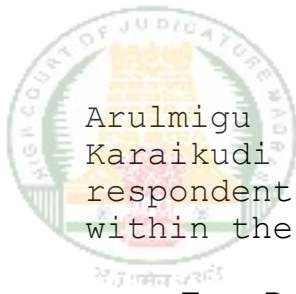
Versus

- 1.The Hindu Religious and Charitable Endowment Department,
Rep. by its Commissioner,
Nungambakkam High Road,
Chennai - 600 034.
- 2.The Joint Commissioner,
The Hindu Religious and Charitable Endowments Department,
Sivagangai District,
Sivagangai.
- 3.The Assistant Commissioner,
The Hindu Religious and Charitable Endowments Department,
Paramakudi,
Ramanathapuram District.
- 4.Arulmigu Sri Sankarapathy Muneeswarar Temple,
Rep. by its Thakkar,
Athinamilagi Ayyanar Kovil,
Eraguseri,
Devakottai,
Sivagangai District.
- 5.S.Rakkappan
- 6.C.Vellaichamy
- 7.V.Shanmugam
- 8.S.Ramachandran
- 9.S.P.Chinnathiyan
- 10.S.Arumugam
- 11.G.Nagaraj

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Mandamus, to direct the
respondents 1 to 4 to implement the proceedings of the third
respondent in Se.Mu.Na.Ka.No.3712/2017/A8, dated 24.08.2017, for

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



Arulmigu Sri Sankarapathy Muneeswarar Temple, Amaravathipudhur, Karaikudi Taluk, Sivagangai District and consequently, forbear the respondents 5 to 11 from interfering with the Temple Management within the time period stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Fazil
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader
For R4 : Mr.C.Guhaseelarupan
For R5 to R9 and R11 : Mr.S.Madhavan

W.P. (MD)No.16987 of 2017:-

S.Rakkappan

.. Petitioner

Versus

- 1.The Commissioner,
Tamil Nadu Hindu Religious and Charitable
Endowment Department,
Chennai.
- 2.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments Department,
Sivagangai.
- 3.The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowments Department,
Paramakudi,
Ramanathapuram District.
- 4.The Fit Person,
Sri Sankarapatti Muneeswarar Temple,
Presently Executive Officer,
A/m. Adhinamilagi Ayyanar Kovil,
Iravucheri,
Devakottai,
Sivagangai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for records in pursuant to the impugned calling for the records relating to Na.Ka.No.3712/2017/A8, dated 24.08.2017 and quash the impugned order passed by the third respondent, by directing the respondents 1 and 2 to dispose off the applications pending, adhering proper legal procedure.



For Petitioner : Mr.S.Madhavan
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader
For R4 : Mr.C.Guhaseelarupan

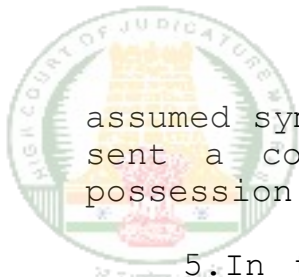
COMMON ORDER

The petitioner in W.P.(MD) No.16987 of 2017 is the fifth respondent in W.P.(MD)No.4864 of 2022. W.P.(MD) No.16987 of 2017 has been filed for a Writ of Certiorarified Mandamus, to quash the order passed by the third respondent in Se.Mu.Na.Ka.No.3712/2017/A8, dated 24.08.2017, and direct the respondents 1 and 2 therein to dispose of the applications pending adhering proper legal procedure.

2.W.P.(MD)No.4864 of 2022 has been filed for a Writ of Mandamus to direct the respondents 1 to 4 to implement the proceedings of the third respondent in Se.Mu.NaKa.No.3712/2017/A8, dated 24.08.2017 and to forbear the respondents 5 to 11 from interfering with the Temple Management.

3.The dispute pertains to the Temple, called 'Arulmigu Ari Sankarapathy Muneeswarar Temple', situated at S.No.127, Pudhur Group, Amaravathi Pudhur, Karaikudi Taluk, Sivagangai District. When W.P.(MD) No.16987 of 2017 was admitted, an order of *status quo* was granted by this Court on 11.12.2019. The fit person/fourth respondent therein has also filed an application for vacating the order of *status quo* granted by this Court and has also filed a counter affidavit.

4.The brief facts of the case are that the fifth respondent in W.P.(MD)No.4864 of 2022 was allegedly found collecting huge amount from devotees for sacrifice of goat and bird near the Temple and that the Inspector of HR & CE on 06.10.2015 gave a detailed report to the third respondent, pursuant to the complaint, dated 20.04.2015 of one Muruganantham. The report categorically states that the fifth respondent was collecting huge amount and therefore, this was a fit case for taking over the affairs of the Temple by the HR & CE Department. The facts also indicate that on 11.10.2015 the third respondent/Assistant Commissioner has also given a recommendation to the first respondent/Commissioner for taking over the affairs of the temple and that on 19.07.2017, the administration of the Temple was also taken over by the HR & CE Department, pursuant to which the first respondent appointed the fourth respondent as a Fit Person under Section 49 (1) of the HR & CE Act. Thereafter, a series of communication has been addressed by the fourth respondent to the fifth respondent in W.P.(MD)No.4864 of 2022/Petitioner in W.P.(MD) No.16987 of 2017, for handing over the administration of the Temple to the Fit Person. Thereafter, the Executive Officer of the Temple



assumed symbolic charge of the Temple and once again, the Fit Person sent a communication to the fifth respondent to hand over the possession and management of the said Temple to him.

5. In this background, the fifth respondent has filed W.P.(MD) No.16987 of 2017. Prior to the aforesaid proceeding, the fifth respondent appears to have also himself filed an application under Section 63 (a) of the HR & CE Act, 1959, which was dismissed and an appeal is said to be pending before the first respondent/Commissioner as on date. The fifth respondent also filed O.A.No.1 of 2020 under Section 64(1) of the said Act for framing of a scheme for the said Temple. Thus, in view of the order of *status quo* granted by this Court dated 11.12.2019, the Fit Person is unable to take charge of the said Temple.

6. After hearing the learned counsel appearing for the respective parties, I am inclined to dispose these Writ Petitions by directing the petitioner in W.P.(MD)No.16987 of 2017 and the respondents to maintain *status quo* as on date in terms of the interim order dated 11.12.2019, made in W.P.(MD)No.16987 of 2017, considering the fact that the appeal in A.P.No.55 of 2017 filed by the petitioner in W.P.(MD)No.16987 of 2017 and others under Section 69(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 is pending before the Commissioner, H.R. & C.E. Department, Chennai/first respondent, and O.A.No.1 of 2020 filed by the same petitioner under Section 64(1) of the H.R. & C.E. Act is pending before the Joint Commissioner, Sivagangai/second respondent, for framing a scheme.

7. Considering the above, I am refraining from making any observations, which may touch on the merits of the contention of the petitioner in W.P.(MD)No.16987 of 2017. The petitioner in W.P.(MD) No.4864 of 2022, who wants the impugned order dated 24.08.2017 to be implemented, shall also be heard in the respective proceedings. In case, the petitioner in W.P.(MD)No.4864 of 2022 is not a party to the said proceedings or was set *ex parte*, liberty is given to him to implead himself a party to the said proceedings or take steps to set aside the order setting the said petitioner *ex parte*. Liberty is also given to him to file an appropriate application before the respective authorities, namely the Joint Commissioner/second respondent and the Commissioner/first respondent in O.A.No.1 of 2020 and A.P.No.55 of 2017 respectively. It is expected that the the Commissioner/first respondent and the Joint Commissioner/second respondent will dispose the appeal and application pending before them preferably within a period of three months from the date of receipt of a copy of this order. All the collections to be made by the petitioner in W.P.(MD)No.16987 of 2017 [S.Rakkappan] shall be accounted by him properly with receipts and a weekly statement shall be filed by him with the Fit Person.



8.These Writ Petitions stand disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

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To

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road,
Chennai - 600 034.
- 2.The Joint Commissioner,
The Hindu Religious and Charitable Endowments Department,
Sivagangai District,
Sivagangai.
- 3.The Assistant Commissioner,
The Hindu Religious and Charitable Endowments Department,
Paramakudi,
Ramanathapuram District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-20320[F] dated 22/04/2022)

+1 CC to M/s.SPL.GP. (SR-20506[F] dated 22/04/2022)

WP (MD) Nos.4864 of 2022 and 16987 of 2017
21.04.2022

RK(02/05/2022) 5P 6C