



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.5783 of 2020

S.V.Natarajan

... Petitioner

/vs./

1.The Chief Secretary/Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai 600 034.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Karur District.

3.The Executive Officer,
Arulmigu Thirukanmaleeshwarar Thirukovil,
Krishnarayapuram,
Karur District.

4.The Sub Registrar,
The Sub Registrar Office,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 03.10.2018.

For Petitioner : Mr.S.Prem Kumar

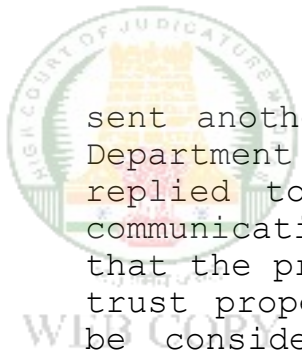
For R1, R2 & R4 : Mr.P.Subbaraj
Special Government Pleader

For R3 : Mr.P.Athimoola Pandian

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the 2nd respondent to consider the petitioner's representation dated 03.10.2018.

2.The learned counsel for the official respondents submits that the representation of the petitioner dated 03.10.2018 was considered by the 2nd respondent on 17.10.2018. Thereafter, the petitioner had



sent another representations to the Joint Commissioner of HR & CE Department on 18.03.2019 and 03.04.2019. The 2nd respondent has also replied to the same on 08.04.2019 and the 2nd respondent, by a communication dated 19.06.2019, has clearly informed the petitioner that the property has been endowed for the temple and it was not the trust property and therefore, the request of the petitioner cannot be considered. Under these circumstances, it is submitted that nothing survives for adjudication in this writ petition.

3.It is submitted that the order dated 19.06.2019 has been communicated to the petitioner. If the petitioner is so aggrieved, the petitioner should file an appropriate application against the said communication. It is submitted that in view of the provisions of Section 28A of the Registration Act, 1908, there cannot be any registration of the ainee of the temple property. It is further submitted that the temple property are being protected in terms of the interim directions of the Division Bench of this Court in W.P.No.2903 of 2020 dated 07.02.2020. It is therefore submitted that the writ petition is not maintainable.

4.I have considered the arguments advanced by the learned counsel for the petitioner, learned counsel for the official respondents and the learned counsel for the 3rd respondent.

5.The Hon'ble Supreme Court in the case of ***Shiromani Gurudwara Parhandhak Committee, Amritsar Vs. Somnath Dass and others*** reported in ***AIR 2000 3 SC 1421*** has held that if the property is dedicated for religious purposes, welfare of the deity could be looked into by the Manager appointed in accordance with the deed of dedication or by the management as guardian as "deity never attains majority" and always remains a minor. It further held that any transfer made against the interest of the deity will be void "as other minors may attains majority, but deity cannot."

6.Under these circumstances, I find no merit in this writ petition. Further, the representations of the petitioner dated 03.10.2018 has already been disposed of by the 2nd respondent on 17.10.2018 and the subsequent representations have also been considered and disposed of by the 2nd respondent on 19.06.2019. The writ petition is therefore liable to be dismissed and is accordingly dismissed. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The Chief Secretary/Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai 600 034.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Karur District.

3.The Sub Registrar,
The Sub Registrar Office,
Karur District.

+1 CC to M/s.J. KRISHNAKUMAR, Advocate (SR-21662[F] dated
27/04/2022)

+1 CC to M/s.SPL.GP (SR-22383[F] dated 28/04/2022)

W.P. (MD) No.5783 of 2020
26.04.2022

MK/25.05.2022/3P/6C