



W.P.(MD)No.6735 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

**W.P.(MD)No.6735 of 2020
and
W.M.P.(MD)Nos.6104 and 6105 of 2020**

Sri Subramaniya Swamy Temple,
Kaingaraya Thriswathanthirakal Saba,
(Registration No.50/65),
No.15, 1st Santhi Street,
Thiruchendur,
Tuticorin District,
Represented by its President,
A.Chellappa Iyer,
S/o.Late R.Arasappa Iyer.

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
Chennai.

2. The Executive Officer / Joint Commissioner,
Arulmigu Sri Subramaniya Swamy Temple,
Thiruchendur,
Tuticorin District.

... Respondents



W.P.(MD)No.6735 of 2020

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the 2nd Respondent in his proceedings in Na.Ka. No.1377/2020/22 dated 15.05.2020 and quash the same and consequently direct the 2nd Respondent to disburse the Corona relief fund to the members of the Petitioner's Saba as per the list submitted along with the application dated 14.05.2020 without insisting the recognition order from the Temple authorities.

For Petitioner : Mr.B.Prahalad Ravi
For Respondents : Mr.J.Ashok
Addl. Government Pleader for R1
Mr.M.Muthugeethaiyan for R2

O R D E R

This Writ Petition has been filed to call for the records of the 2nd Respondent in Na.Ka.No.1377/2020/22, dated 15.05.2020 and quash the same and consequently, direct the 2nd Respondent to disburse the Corona relief fund to the members of the Petitioner's Saba as per the list submitted along with the application dated 14.05.2020 without insisting on the recognition order from the Temple authorities.



W.P.(MD)No.6735 of 2020

WEB COPY

2. It is submitted by the learned counsel for the Petitioner that the Petitioner is the President of 'Sri Subramaniya Swamy Temple Kaingaraya Thriswathanthirakal Saba'. The Saba has been founded in the year 1965 and the same was registered with the Competent Authority. The members of the Petitioner's Saba have been doing various services in the Temple, namely, Performing Adyana, Vedhaparayana, Panjangam, Kattiyam, Archana and Abisheka to all deities in the Temple including performing Homa. The members of the Saba which is called as 'Thriswathanthirakal' have been doing the said services in the Temple for several years. It is further submitted that the Saba consists of 830 members belonging to the family of traditional 'Thriswathanthirakal'.

3. It is further submitted by the learned counsel for the Petitioner that the impugned proceedings bearing reference to letter dated 14.05.2020 of the Petitioner Temple requesting release of relief funds to Thriswathanthirakal had clarified / stated that to consider the release for relief funds to the Thriswathanthirakal, recognition must have been obtained from the Temple. The impugned proceedings contained an Annexure with



W.P.(MD)No.6735 of 2020

the list of Thriswathanthirakal. The Saba members of the Temple was also directed to take appropriate steps for obtaining the recognition order. It is stated that the 2nd Respondent in the communication dated 15.05.2020, which has been signed on 20.05.2020 had enclosed the list of members, but the same has not been communicated to the Petitioner. It is further submitted that the 2nd Respondent is issuing directions without putting the Petitioner on notice.

4. It is submitted by the learned counsel for the 2nd Respondent that the Hindu Religious and Charitable Endowments Department has issued the proceedings in Na.Ka.No.14836/2020/ஐ1 dated 08.04.2020, which set out the guidelines extending the benefit during the Corona period to Archakkars, Pattachariyas and Poocharies.

5. In the light of the above submission, this Court is of the view that the Petitioner are at liberty to respond to the impugned proceedings dated 15.05.2020 which has been signed by the concerned Officer on 20.05.2020 along with relevant documentary evidence in support of their



W.P.(MD)No.6735 of 2020

claim to extend the benefit of Corona relief to Archakkars, Pattachariyas and Poocharies of the Petitioner Temple. If any such representation is filed, the same shall be considered and shall be decided in accordance with law within a period of eight weeks from the date of receipt of a copy of this order also keeping in view the guidelines comprised in Na.Ka.No. 14836/2020/ஐ1 dated 08.04.2020, after granting opportunity to the Petitioner and also putting all interested parties on notice. It is made clear that this Court has not expressed any view with regard to the merits of the representation and it is open to the concerned Respondent to consider the representation on its own merits.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

07.11.2022

Index : Yes / No

Speaking Order : Yes / No

vji

Page 5 of 7



W.P.(MD)No.6735 of 2020

WEB COPY

To

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai.
2. The Executive Officer / Joint Commissioner,
Arulmigu Sri Subramaniya Swamy Temple,
Thiruchendur, Tuticorin District.
3. The President,
Sri Subramaniya Swamy Temple,
Kaingaraya Thriswathanthirakal Saba,
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WEB COPY



W.P.(MD)No.6735 of 2020

MOHAMMED SHAFFIQ, J.

vji

**W.P.(MD)No.6735 of 2020
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