



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.04.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.8068 of 2022

Sasi Pandidurai

... Petitioner

Vs.

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Sivagangai,
Sivagangai District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Sivagangai,
Sivagangai District.

4.The Executive Officer,
Hindu Religious and Charitable Trust,
Thiruthali Thirukovil,
Thirupathur Taluk,
Sivagangai District.

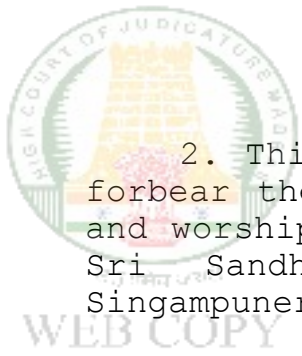
...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 2 to 4 from interfering the administration and worship of customary and traditional pooja in the temple namely Sri Sandhi Veeranan Swamy Temple in Mallakottai Village, Singampuneri Taluk, Sivagangai District except due process of law.

For Petitioner	: Mr.S.Saravanakumar
For R1 to R3	: Mr.P.Subbaraj
	Special Government Pleader
For R4	: Mr.P.Mahendran

ORDER

Heard the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 to 3 and the learned counsel for the fourth respondent.



2. This writ petition has been filed for a writ of Mandamus to forbear the respondents 2 to 4 from interfering the administration and worship of customary and traditional pooja in the temple namely Sri Sandhi Veeranan Swamy Temple in Mallakottai Village, Singampuneri Taluk, Sivagangai District

3. The case of the petitioner is that the petitioner sent a representation to the respondents on 04.04.2022. However, no orders have been passed. The further case of the petitioner is that the villagers came to know that the respondents have taken over the control of the temple 1 ½ years back and they are disturbing with the day-to-day functioning and administration of the temple including the rituals. Therefore, this writ petition has been filed.

4. The learned Special Government Pleader for the respondents 1 to 3 and the learned counsel for the fourth respondent submits that the temple come under the purview of the Hindu Religious and Charitable Endowments Department in the year 1970 and the fit person was appointed only last year. It is therefore submitted that if the petitioner is aggrieved with the appointment of the Fit Person, it is open for the petitioner to file appropriate application under Section 21 of the Hindu Religious and Charitable Endowments Act, 1959. That apart, it is submitted that, in case, the petitioner wants to establish any existence of customary practice to honour, it is open for the petitioner to file appropriate application under Section 63 (e) of the Hindu Religious and Charitable Endowments Act, 1959. The prayer in this writ petition is not maintainable. Therefore, the writ petition is liable to be dismissed.

5. The writ petition stands dismissed by giving liberty to the petitioner to file appropriate application under Section 63 (e) of the Hindu Religious and Charitable Endowments Act, 1959 or in the alternative, to challenge the order of the appointment of the Fit Person. The respondents are directed to furnish the copy of the appointment of the Fit Person within a period of 15 days from the date of receipt of copy of this order. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

- 1.The District Collector,
Sivagangai,
Sivagangai District.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Sivagangai,
Sivagangai District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Sivagangai,
Sivagangai District.
- 4.The Executive Officer,
Hindu Religious and Charitable Trust,
Thiruthali Thirukovil,
Thirupathur Taluk,
Sivagangai District.

+1 CC to M/s.P. MAHENDRAN, Advocate (SR-22159[F] dated 28/04/2022)

+1 CC to M/s.SPL.GP. (SR-21856[F] dated 27/04/2022)

W.P(MD) .No.8068 of 2022
26.04.2022

KM(CO)

GC(10.05.2022) 3P 7C