



W.P(MD).No.13245 of 202



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD).No.13245 of 2022

V.Parivallal

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam.
Chennai-600 034.

2.The Regional Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
14/1, Thiruvananthapuram Road,
Palayamkottai,
Tirunelveli-627 002.

3.The Assistant Commissioner/Executive Officer,
Arulmigu Kutralanathaswamy Thirukoil,
Courtallam,
Tenkasi-627 802.

4.Sudhan

5.Arunselvan

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 to 3 herein to appoint a Fit Person for conducting enquiry and recover the



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misappropriation amount derived from the temple properties by the Respondents 4 and 5 based on the Petitioner's representation, dated 12.04.2022 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.K.Mansoor Alikhan
For Mr.B.Anandan
For R1 & R2 : Mr.P.Subbaraj
Special Government Pleader
For R4 & R5 : Mr.K.Prabhu

ORDER

This writ petition is filed praying for a writ of Mandamus directing the Respondents 1 to 3 herein to appoint a Fit Person for conducting enquiry and recover the amount misappropriated from the temple properties by the Respondents 4 and 5, based on the Petitioner's representation, dated 12.04.2022.

2. It is submitted by the learned counsel for the Petitioner that in Petitioner's village, there is a temple, namely, Arulmigu Sri Pathirakaliamman Temple and it is a public temple and the Petitioner is one of the taxable-holder in the said temple. The said temple has been included in the Schedule of the Hindu Religious and Charitable Endowments Department as per Serial No. 474 and Koil No.39966.



3. The said temple owns a numbers of valuable properties and agricultural lands. Some of which are set out in the affidavit, which reads as under:

- “(i) Patta No.364
- (ii) Doc.No.1158/03, dated 17.04.2003
- (iii) Kalyana Mandapam

The above said properties and other offered ornaments were properly managed and the entire temple affairs were properly administered by one is the Vellaipandi Nadar. He was dies before 35 years during his administration, the offered ornament details are below under:

- (i) Gold - 800 grams*
- (ii) Silver - 10 Kilograms*
- (iii) Brass - 50 Kilograms”*

4. It is submitted by the learned counsel for the Petitioner that the Respondents 4 and 5 has taken over the administration of the temple without following due process and it was further submitted that there has been maladministration and misappropriation of the temple properties by the 5th Respondent.

5. It is submitted by the learned Special Government Pleader for the Respondents 1 and 2 that the Inspector, Hindu Religious and Charitable Endowments Department, Tenkasi had submitted a report in relation to the above temple to the Joint Commissioner, Hindu Religious and Charitable



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Endowments Department, Tenkasi vide communication, dated 02.07.2022, after recording the irregularities and also had recommended the appointment of Executive Officer in terms of Section 45(1) of the Hindu Religious and Charitable Endowments Act. In view of the above development, the writ petition may no longer survive. It is also submitted that appropriate action would be taken in accordance with law by the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Tenkasi, as expeditiously as possible.

6. Recording the same, the writ petition stands closed. No costs.

17.10.2022

Index : Yes / No
Internet : Yes/ No
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MOHAMMED SHAFFIQ, J.

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