



W.P.(MD)No.17732 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.17732 of 2022

and

W.M.P.(MD).Nos.12922 and 12923 of 2022

A.Thangadurai

.. Petitioner

Vs

1.The Commissioner,

**The Hindu Religious and Charitable Endowments,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.**

2.The Joint Commissioner/Executive Officer,

**The Hindu Religious and Charitable Endowments,
Kanyakumari District Temples Head Office,
Suchindram,
Kanyakumari District.**

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarifeid Mandamus, to call for the records pertaining to impugned order in R.C.No.333/2020/B1 dated 29.06.2022 on the file of the respondent No.2 and quash the same as illegal and consequently forbearing the respondents from interfering in the petitioner's avocation engaging two horses to cater to the tourists in



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Tiruveni Sangamam Beach in Kanyakumari District.

For Petitioner : Mr.T.Seeni Syed Amma
for M/s.T.Lajapathi Roy
For 1st Respondent : Mr.M.Lingadurai
Special Government Pleader
For 2nd Respondent : Mr.K.Sathya Singh
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent/ Joint Commissioner/Executive Officer in R.C.No. 333/2020/B1 dated 29.06.2022 and forbearing the respondents from interfering in the petitioner's avocation engaging two horses to cater to the tourists in Tiruveni Sangamam Beach in Kanyakumari District.

2.Mr.M.Lingadurai, learned Special Government Pleader takes notice for the first respondent and Mr.K.Sathya Singh, learned Standing Counsel takes notice for the second respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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3.The learned counsel appearing for the petitioner submitted that the petitioner is a self employed person and he earn his livelihood by letting his two horses to the tourists particularly for children for a short ride in Thiruveni Sangam Beach on the South of Bagavathi Amman Temple in Kanyakumari District. The petitioner, by borrowing a sum of Rs.3 lakhs from money lenders, purchased two horses and earner around Rs.1000 per day during season times such as Onam, Sabarimala Pilgrimage and during the school vacation days and weekend and he spends a sum of Rs.500 per day to feed horses and thereafter, he has to pay the loan amount and the remaining amount, he used it for his livelihood. Earlier, the Tahsildhar had issued an order under Section 133 of Cr.P.C., on 03.06.2008 and 09.04.2009 and the same was challenged before this Court in W.P.(MD).No.5278 of 2008, against which, the petitioner has filed a Writ Appeal in W.A.No.173 of 2009 and the Division Bench of this Court allowed the writ appeal and set aside the order passed by the learned single Judge. Thereafter, the petitioner sent a representation to the respondents on 07.01.2020 and he filed a Writ Petition in W.P.(MD).No.1565 of 2020. This Court considering the limited scope of prayer sought by the petitioner, had directed the Joint



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Commissioner, Hindu Religious and Charitable Endowments, Kaniyakumari District, to consider the petitioner's representation dated 07.01.2020. Pursuant to the same, the present impugned order has been passed by the second respondent. He further submitted that the order passed by the second respondent is not sustainable for the reason that Thiruvani Sangam Beach is a public beach. Due to which, the respondent cannot claim any exclusive right. Further, the petitioner undertakes that horse riding conducted in secluded places which will not cause disturbance to the public and pilgrims. The impugned order has been passed without giving show cause notice to the petitioner, affording any opportunity to the petitioner. It is violation of principles of natural justice. Hence, the present writ petition has been filed.

4.The learned Special Government Pleader appearing for the first respondent submitted that the impugned order came to be passed, on the directions issued by this Court in W.P.(MD).No.1565 of 2020, dated 29.01.2020, wherein, a specific direction is that the second respondent to consider the petitioner's representation dated 07.01.2020 and pass appropriate orders. The petitioner is neither a licensee nor a person



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armed with any orders from the appropriate authorities to have horse riding. In view of the same, as per the directions of this Court, the representation considered and disposed of.

5.The learned Standing Counsel appearing for the second respondent submitted that the Survey No.679/2 near Thiruvani Sangam Beach is the temple property and the petitioner namely Thangadurai had not obtained any permission, on his own, he is riding the horses and causing disturbance to the pilgrims, tourists and public. There are several complaints received from the pilgrims, tourists and public against the petitioner. He further submitted that only on considering the petitioner's representation following the direction of this Court and the same was rejected. He further submitted that apart from tourists, the place is also used for conducting last rites for the departed ones, which is conducted by the temple from time immemorial. The petitioner is having no license or permission and he cannot make any claim that it affects his livelihood. Further, the impugned order is only an information to the petitioner stating that in the event of the petitioner continue to violate and trespass into the temple land causing concern to the pilgrims,



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devotees and public, appropriate action would be taken and noting more.

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6.On perusal of the materials available on records, it is seen that it is only a notice given to the petitioner informing, not enter into the temple property, being a cause of concern for the pilgrims, tourists and public. If there is any violation, appropriate action would be taken. Admittedly, it is only a notice of warning nothing more. The petitioner is neither a licensee nor a person given permission to have horse riding near Thiruveni Sangamam Beach. It is for the petitioner to conduct horse riding himself in a proper manner, not causing any disturbance or being cause of complaint of course not in the temple land or property.

7.With the above observations, this writ petition is disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

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Index: Yes/No
Internet : Yes/No
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