



W.P(MD).No.18172 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.18172 of 2022

R.Palaniyandi

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur District.

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

3.Rengarajan
The Hereditary Trustee,
Arulmigu Sanjeevirayar Temple,
Pidampatti,
Pudukottai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to take action under Section 53 (2) (i) of the Hindu Religious and Charitable Endowments Act against the third respondent and his family members based on the representation sent by the petitioner's son, dated 21.04.2022.



WEB COPY



W.P(MD).No.18172 of 2022

For Petitioner : Mr.N.Anandkumar
For R1 & R2 : Mr.P.T.Thiraviam
Government Advocate
For R3 : Mr.R.Murali
Standing Counsel

ORDER

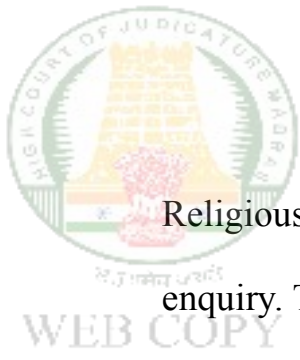
The writ petition has been filed for a writ of Mandamus to direct the first respondent to take action under Section 53 (2) (i) of the Hindu Religious and Charitable Endowments Act against the third respondent and his family members based on the representation sent by the petitioner's son, dated 21.04.2022.

2. The learned Standing Counsel for the third respondent filed counter stating that he had already lodged a complaint against several persons including Varatharajan, brother of the third respondent. The case in Crime No. 64/2021 has been registered for misappropriation of temple funds to the tune of Rs.2,00,00,000/-. Since the FIR has been kept pending for some time, the third respondent filed W.P(MD)No.499 of 2022 and at that time, it was reported that investigation was completed and charge sheet filed, in which, the Varatharajan and several others are shown as accused. He further submitted that one Muthu Krishnan had filed W.P(MD)No.12820 of 2021 for



similar relief and this Court, by order dated 20.06.2022 disposed the same by giving certain directions. In that proceedings, the third respondent filed his counter the same now relied by the petitioner would expose that the petitioner is none other than a collusive person, who had earlier used Muthu Krishnan. He further submitted that now Commissioner had appointed Thasildar to each of the Districts to identify the temple property and its boundaries. As far as Arulmigu Sanjeevirayar temple, Pidampatti, one Linen had been appointed as Thasildar, who already commenced his work to identify the temple property.

3. The learned Government Advocate for the respondents 1 and 2 submits that on the directions of the Division Bench of this Court, all the temple lands are now identified, measured and recorded and also uploaded in the website 'Tamil Nilam' and regularly, status report is filed before the Division Bench of this Court. As regards the third respondent, who is the complainant in Crime No.64 of 2021, now, he has been arrayed as an accused along with the others. He further submits that not only the petitioner there are several other complainants, with regard to the misappropriation of the temple property and funds. In view of the same, the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Thanjavur in Na.Ka.No. 5630/2021/A3, dated 30.04.2022 directed the Assistant Commissioner, Hindu



W.P(MD).No.18172 of 2022

Religious and Charitable Endowments Department, Pudukottai to conduct an enquiry. The enquiry is in progress and it can be completed within a period of three months. He further submitted that the petitioner's complaint is also similar to the earlier complaint received.

4. Considering the submission and on perusal of the materials, it is seen that this Court finds that already enquiry has been initiated in Na.Ka.No. 5630/2021/A3 and it is reported that the enquiry can be completed within a period of three months.

5. Recording the same, this writ petition stands disposed of by giving liberty to the petitioner to submit a copy of the complaint to the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Pudukottai to consider along with on-going enquiry. The writ petition stands disposed of. No costs.

18.08.2022

Index : Yes / No
Internet : Yes/ No
sn

To



W.P(MD).No.18172 of 2022

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur District.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Pudukkottai District.
3. The Hereditary Trustee,
Arulmigu Sanjeevirayar Temple,
Pidampatti,
Pudukkottai District.

M.NIRMAL KUMAR, J.



WEB COPY



W.P(MD).No.18172 of 2022

sn

W.P(MD).No.18172 of 2022

18.08.2022