



W.P(MD).No.18294 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.18294 of 2022

D.Ravindran

... Petitioner

Vs.

1.The Commissioner,
Tamil Nadu HR & CE Department,
119, Uthamar Gandhi Road,
Nungampakkam,
Chennai.

2.The Joint commissioner,
Tamil Nadu HR & CE Department,
Sivagangai.

3.The Assistant Commissioner,
Tamil Nadu HR & CE Department,
Ramanathapuram.

4.K.Sakthi Mohan

...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 adhere the Section 3(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act and to appoint fit person to administer the 'Sri Kamatchi Amman Temple' based on the petitioner's representation, dated 05.05.2022 as per Section 49 of the Tamil Nadu Hindu Religious and Charitable Endowments Act.



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For Petitioner : Mr.R.Murugapoopathy
For R1 to R3 : Mr.M.Lingadurai
Special Government Pleader

ORDER

In continuation and conjunction with the earlier order passed by this Court, dated 12.08.2022, the following order is passed:

“The contention of the petitioner is that Sri Kamatchi Amman Temple, which is situated at Pampoorani, Melakarai, Velipattanam, Sivagnanapram, Ramanathapuram District, and this temple was properly maintained by the Manging Committee, which consists ten members. The fourth respondent is the Poojari of the temple and it is 200 years old temple. The fourth respondent had not conducted poojas properly and his sister namely, Nirmala Devi has fixed advocate name board on the main gate of the aforesaid temple. Further, earlier the Managing Committee had conducted a meeting and decided to perform Kumbhabishekam on 13.06.2022, wherein, they decided to contribute and participate in the Kumbhabisekam. Thereafter, on 06.02.2022, the Managing Committee performed the KALKOL VIZHA as commencement of Ceremony for Kumbhabisekam. The fourth respondent collected money from the public on his own. The Managing Committee purchased pooja articles and the materials for renovation work. The fourth respondent misappropriated the materials purchased for the renovation work and conspired with his family members to encroach the temple land and started to obstruct Kumbhabisekam. Thereafter, the petitioner filed a Writ Petition in W.P.(MD).No.10578 of 2022 seeking direction to consider the petitioner's representation dated 08.04.2022 and 20.05.2022 and this Court directed the third respondent to consider the same. The fourth respondent filed Writ Petition in W.P. (MD).No.11187 of 2022 forbearing the petitioner from interfering in the Kumbhabisekam and this Court recorded the submission given by both the petitioner as well as the fourth respondent and directed the fifth respondent to conduct the



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Kumbhabisekam in a peaceful manner, leaving other issues open. The revenue records shows that the temple property registered as Inam land. The fourth respondent's grandfather namely Somasundara Poojari made false representation, obtained patta by showing that the temple property is a poromboke land and the fourth respondent's grandfather's name was registered in the Adangal. But, in the revenue records reveal that it is the Inam land and it was registered in the name of the Kamatchi Amman Temple. The further contention of the petitioner is that the Revenue Divisional Officer in his proceedings dated 03.06.2022 found that the transfer of Patta in the name of Somasundara Poojari not proper and cancelled the patta. Thus the petitioner's had sent representation dated 05.05.2022 to the respondents and made serious allegations against the fourth respondent in misappropriating temple funds and also temple properties. Since no action taken, the present petition has been filed.

2.Mr.M.Linga Durai, learned Special Government Pleader takes notice for the respondents 1 to 3 and seeks time to get instructions with regard to the Inam land and also the characteristics of the temple.

3.Hence, post the matter on 18.08.2022.”

2. The petitioner's primary grievance is that the temple land is an inam land as per the revenue records. One Sakthi Mohan attempted to involve in mischievous activities and temple land was transferred to private individual names. With the efforts of the petitioner, the forged patta was cancelled and the patta was restored in the name of the temple. The said Sakthi Mohan's sister is an Advocate, who placed board in the entrance and also threatening the Managing Committee Members not to enter into the temple lands. Further,



she claims that the temple land belongs to them and privately enjoying it in their individual capacity. Appropriate steps taken and complaint was sent to the temple authorities, who have failed to act. The Managing Committee conducted the Kumbaabishegam on 10.06.2022.

3. In view of the same, this Court directs the third respondent to take steps immediately to appoint a fit person to safeguard the temple property, remove the encroachers, restore the temple to its own glory and to find out the mal-practice committed by the fourth respondent along with others in making false account on the materials supplied by the organising committee. Further, during the 48 days Mandagapadi, huge public donations and collections were made in the Hundial, which was misappropriated taken by the fourth respondent and others for their own use, which is a serious offence. The third respondent is directed to appoint a fit person to regulate the temple and its income without fail preferably within a period of one month from the date of receipt of copy of this order. Thereafter, to conduct an enquiry and collect materials. If materials are found against the fourth respondent, take action in the manner known to law.



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4. With the above direction, the writ petition stands disposed of. No costs.

30.08.2022

Index : Yes / No
Internet : Yes/ No
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