



W.P(MD).No.17937 of 201 /

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.17937 of 2017

and

W.M.P.(MD).No.14455 of 2017

1.G.Chockalingam

2.S.P.Chidambaram

3.R.Sathasivam

4.AR.Muthappan

5.VR.Rathinam

... Petitioners

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Nungampakkam High Road,
Chennai – 600 034.

2.D.S.K.Mathuranthaki Nachiyar

3.K.N.Subbaiah Chettiar

4.K.N.Subbaiah Chettiar

5.S.Thanneermalai Chettiar



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6.The Manager
Sivagangai Samasthanam Superintendent,
No.99, Old Palace Compound,
Sivagangai – 630 561.

7.The Joint Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Sivagangai – 630 561.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Certiorarified mandamus, calling for the records relating to Impugned Order dated 24.08.2017 passed by the first respondent in R.P.No.130 of 2017 D2 and quash the same in so far as it relates to giving power to the second and sixth respondents herein to appoint any person of their choice as “Thiruppani Superintendent” of Arulmigu Kallal Sri Bagachala Vinayagar Sri Somasundareswara Swamy temple, Kallal is concerned and consequently directing the second and sixth respondents herein to accord permission as well as to co-operate with the “Kallal Nagarthar Thiruppani Kuzhu” for Kumbabishekam in Arulmigu Kallal Sri Bagachala Vinayagar Sri Somasundareswara Swamy temple, Kallal.

For Petitioners	: Mr.D.Srinivasaragavan
For R1 & R7	: Mr.M.Lingadurai Special Government Pleader
For R-2 and R-6	: Mr.S.Madhavan
For R3, R-4 and R-5	: No Appearance



ORDER

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This Writ Petition has been filed to quash the Impugned Order dated 24.08.2017 passed by the first respondent in R.P.N.130 of 2017 D2 and for a consequential direction to direct the second and sixth respondents herein to accord permission as well as to co-operate with the “Kallal Nagarathar Thiruppani Kuzhu” for Kumbabishekam in Arulmigu Kallal Sri Bagachala Vinayagar Sri Somasundareswara Swamy temple, Kallal.

2. The contention of the petitioner is that the Temple belongs to the sixth respondent. The petitioners who belong to the Nagarathar community of Kallal, had some objection with regard to the scheme framed by this Court in A.S.No.158 of 1952. During the pendency of O.A.No.41 of 1977, compromise arrived between the parties and as per the terms of the compromise, the supervision of the temple would be under the control of Nagarathar Kallal, administered by the representative of the said Nagarathar, who is called as Honorary Superintendent of Devasthanam, who would be in charge of all the temple festivals, poojas and management of the temple. Such selected Honorary Superintendent shall be in-charge for all ulthurai and secular part of administration of the temple. As such Nagarathar community,



regularly for every three years, elected one among them as a representative, to be nominated as Honorary Superintendent which would be recognized by the hereditary trustees of Sivagangai Devasthanam. This is followed for the past 37 years, without any issues. One Thaneermalai Chettiyar who is the fifth respondent herein, was recommended and appointed as Honorary Superintendent of the temple. Later, he acted against the interest of the temple and Nagarathar community. Thereafter, the said Thaneermalai Chettiyar resigned from the post of Honorary Superintendent by a letter dated 27.05.2015. This being so, Sivagangai Devasthanam on 16.07.2015 appointed him as Thiruppani Superintendent. Aggrieved by such illegal appointment, an interlocutory application was filed in O.A.No.47 of 1977. Hence, they filed un-numbered I.A in O.A.No.41 of 1977 before the Joint Commissioner and the Joint Commissioner/seventh respondent by order dated 11.01.2017 rejected the petitioners claim against which they filed a Revision Petition in R.P.No.130 of 2017 D2. The impugned order dated 24.08.2017 in R.P.No.130 of 2017 D2, came to be passed setting aside the appointment of Thaneermalai Chettiyar as Thirupani Superintendent. The petitioners have no grievances for the same. Finally, the order of the revision petition was disposed of with observation, it is open to the hereditary trustees of the temple to appoint any person as Thirupani Superintendent by due exercise of powers



vested with her. This according to the petitioners, restore back the right of the administration of the temple to the hereditary trustees, which is, contrary to the compromise arrived in O.A.No.41 of 1977, hence present Writ Petition filed.

3. The learned counsel appearing for the Hindu Religious and Charitable Endowments Administration Department submitted that if at all the petitioners aggrieved against the order of Commissioner, they have to file a revision before the Secretary to Government under Section 114 of the Act. This petition is not maintainable. Hence, he sought for dismissal of the Writ Petition.

4. The learned counsel appearing for the sixth respondent Devasthanam submitted that the appointment of Thanneermalai Chettiayar is only for the purpose of Thirupani in the year 2015. The Thirupani already completed and the post of Thirupani Chettiayar is no more in vogue. The Nagarathars, who appoint Honorary Superintendent, is still in the administration of the temple, on the authorization and acknowledgment by the Devasthanam. The Sivagangai Devasthanam being the hereditary trustee, is not in dispute. The petitioners are attempting to take advantage of the compromise in O.A.No.41



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of 1977 and now undermining the hereditaryship right of the Devasthanam against which the sixth respondent filed O.A.No.5 of 2017 which is now pending before the Joint Commissioner. If at all the petitioners have any grievances or objections, the same can be agitated in O.A. No.5 of 2017. After completion of Kumbabishegam, the post of Thirupani Superintendent no more exists. Hence, he prayed to dismiss the Writ Petition.

5. Perusal of the records reveals that already O.A.No.5 of 2017 has been filed by the sixth respondent, the petitioner can agitate their rights before the Joint Commissioner, further now the post of Thirupani Superintendent is no more exists in vogue. In view of the same, nothing remains to be decided in this Writ Petition.

6. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

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Index : Yes / No
Internet : Yes/ No
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M.NIRMAL KUMAR, J.

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