



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.06.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

W.P. (MD).No.20136 of 2017

WEB COPY

A.Asaithambi

.. Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai,
Sivagangai District.

3.The Assistant Commissioner/Executive Officer,
Arulmighu Adaikalamkatha Ayyanar and
Pathrakaliyamman Temple,
Madappuram,
Sivagangai District.

4.Selvi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to refix the stone sculpture in front of the Adaikalam Katha Ayyanar and Pathrakaliyamman Temple situated at Madappuram Village, Thiruppuvanam Taluk, Sivagangai District and further to take necessary appropriate action against the fourth respondent based on the petitioner's representation dated 09.10.2017.

For Petitioner	: Mr.S.Karthik
For R1 and R2	: Mr.M.Lingadurai
	Special Government Pleader
For R3 and R4	: Mr.C.Guhaseelarupan

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents to refix the stone sculpture in front of the Adaikalam Katha Ayyanar and Pathrakaliyamman Temple situated at Madappuram Village, Thiruppuvanam Taluk, Sivagangai District and further to take necessary and appropriate action against the fourth respondent based on the petitioner's representation, dated 09.10.2017.



2.The contention of the petitioner is that the petitioner belongs to Madappuram Village, Sivagangai District, and his ancestors have constructed the temple before 300 years. The said temple belongs to the Hindu Mukunda Nadar Community temple, which is a scheme temple from the year 1980. The Hindu Religious and Charitable Endowments Department maintained the temple and administered the same. Every 12 years, the temple Kumbabishekam is performed and the entire expenditure is spent by the devotees, who voluntarily gave donation by way of cash or other things. In the year 2017, the renovation work, for Ayyanar Temple main Mandapam (Artha Mandapam) and Garbagraha Mandapam, was commenced by the donor and the renovation work could not be completed by the donor, due to some financial problem and family problem. Hence, the petitioner and his family members decided to contribute and complete the remaining works in the Main Mandapam and Garbagraha Mandapam at the cost of Rs.3.50 lakhs. On 06.04.2022, the second respondent passed the proceedings and allowed the petitioner for renovation work. The petitioner and his family members had also given a consent letter to the third respondent on 29.05.2017. Thereafter, the third respondent granted permission for renovation of the Temple. On completion of the renovation work, the temple Kumbabishekam was held on 04.06.2017. After completion of Kumbabisegam, the name plaque was placed including the name of the petitioner and Trustee and others as per the custom. One of the brother of the petitioner namely Jeyasekar, who is the Chairman of the Board of Trust in the temple, had done effective work to complete the temple Kumbabishekam within the fixed date. In order to wreck vengeance, on 10.09.2017, the fourth respondent visited the temple along with third parties and removed the name plaque and started creating trouble to the petitioner's brother with bad intention. Thereafter, the petitioner sent a representation to the respondents 1 and 2 on 11.09.2017 for taking action against the fourth respondent. Again on 09.10.2017, another representation sent by the petitioner. Since no action taken, the above writ petition filed. The petitioner produced in type set, showing the name plaques of the Upayathars installed in various temples for the donor workers, but the petitioner has been discriminated by the fourth respondent.

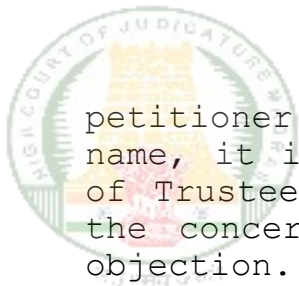
3.The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that indiscriminating display of names in the name of Upayathars and sponsors created unnecessary obstructions and a lot of complaints received from the devotees and the public, that the printing of names all over the temple by spoiling the tranquility of the temple. Further, he produced the circular passed by the Commissioner in Na.Ka.No.36957/2013 K4, dated 05.07.2013, wherein, the Commissioner directed the concerned to remove the names of Upayathars found in the articles presented by them. In this case, the petitioner taking advantage of his brother, who is chairman of Board of Trustee, had placed the name plaque unnecessarily in the night. Hence, it was removed. The petitioner, ~~if he~~ had to approach the Board of Trustees and make



representation. Thereafter, the Board of Trustees to pass resolution and after getting appropriate orders, and the same can be installed, if there is no objection.

4.The learned counsel appearing for the respondents 3 and 4 submitted a letter submitted by the third respondent, dated 15.11.2017, from the expenditure given by the Executive Officer, it is seen that the renovation work for the temple was done at the cost of Rs.16.50 Lakhs. He further submitted that the temple is a listed temple under Section 46(iii) of the Hindu Religious and Charitable Endowments Act, 1959. As per Section 64(1) of the Hindu Religious and Charitable Endowments Act, 1959, a scheme has been implemented. As per scheme, the Hindu Mukunda Nadar Villagers to be nominated as Trustee. The renovation work is done at the cost of Rs.16.50 lakhs. One Senthil Moorthy had undertaken to do the renovation as Upayathar and after completion of 70% of the work, he was unable to complete the rest of the work. At that time, one Jeyasankar, who is the chairman of Board of Trustees and brother of the petitioner along with another brother, Palaniappan, they joined together and completed 30% of the remaining work and Kumbabishekam was held on 04.06.2017. At that time, one Illayaraja was the Executive Officer. Later, fourth respondent was in-charge as Executive officer. He further submitted that on 08.09.2017, there was a review meeting in the Commissioner Office, at Chennai. Hence, on 07.09.2017, proceeded to Chennai. Taking advantage of his absence, on 07.09.2017 at 11.00 p.m, the petitioner's brother threatened the security and forcibly opened the temple, entered the temple and placed the name plaque unauthorisedly and the same is recorded in the CCTV records of the temple. Further, the third respondent received complaint from one Bothakuru and Siranjivi, about the illegal act of the petitioner and his brothers. Thereafter, the objection was mounting which might lead to have law and order problem. On 10.09.2017, the third respondent along with the petitioner's brother, who is the Chairman of Board of Trustees caused removal of the name plaque, which was placed unauthorisedly. On 10.09.2017, it is recorded. Since the petitioner had placed the name plaque illegally by force, without getting approval from the officials. It was removed. If appropriate orders are obtained by the petitioner, the name plaque can be placed.

5.Considering the submission and perusal of the records, it is seen that it is not in dispute that the petitioner along with his two brothers have contributed for the completion of remaining work left by main Upayatharar namely, Senthil Moorthy. According to the petitioner, the petitioner along with his two brothers have contributed to the tune of Rs.3.5 Lakhs, for the Kumbabishekam expenditure of Rs.16.50 Lakhs. The temple Kumbabishekam was held peacefully on 04.06.2017. Thereafter, for what reason at that time the name plaque was not placed, not known. On 07.09.2017 the name plaque was placed unauthorisedly by force, without permission, which



petitioner intends and still interested to place the plaque with his name, it is for the petitioner to make representation to the Board of Trustees, with appropriate resolution after getting orders from the concerned officials, the same can be placed, if there is no objection.

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

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/07/2022

Sub Assistant Registrar(CS)

Vsg

To:

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai,
Sivagangai District.

+1 CC to M/s.C.GUHASEELARUPAN, Advocate (SR-24840[F] dated 09/06/2022)

+1 CC to M/s.S.KARTHIK, Advocate (SR-25006[F] dated 10/06/2022)

+1 CC to M/s.SPL.GP (SR-25171[F] dated 10/06/2022)

W.P. (MD) .No.20136 of 2017
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