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W.P.No.4669 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.4669 of 2023 & WMP.No.4670 of 2023

1. M.L.Hari
2. L.Sankar
3. K.Murali Manoharan

... Petitioners

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai – 600 034.
2. The Deputy Commissioner,
Hindu Religious and Charitable Endowment Department,
Padi, Chennai – 600 050.
3. The Executive Officer,
Arulmigu Angalaparameswari Tirukkivil,
194, Adam Sayabu Street, Royapuram,
Chennai – 600 013.

... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus forbearing the respondents 1 to 3 herein or their subordinates from in any manner taking over or interfering



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with the Administration of Dharamaraja Draupadi Amman Temple situated at No.121/166, Mannar Samy Kovil Street, royapuram, Chennai – 600 013.

For Petitioners : Mr.Venkataswamy Babu

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader – R1 to R3

ORDER

This Writ Petition has been filed to forbear the respondents 1 to 3 herein or their subordinates from in any manner taking over or interfering with the Administration of Dharamaraja Draupadi Amman Temple situated at No.121/166, Mannar Samy Kovil Street, royapuram, Chennai – 600 013.

2. It is the contention of the Writ Petitioners that the temple was established by the fore fathers of the petitioners and the petitioner's grand mother was recognized as the hereditary trustee in the year 1983 by O.A.No.72 of 1981 and till her death she was managing the affairs of the



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temple as hereditary trustee. She died in the year 1997. Thereafter, the petitioners are looking after the affairs of the temple. When the matter stood thus, the respondents are now attempting to take control of the temple. Hence, the present Writ Petition.

3. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for the respondents on instructions submitted that the temple was never managed by the petitioners. Though the petitioners' grand mother was recognized as hereditary trustee, after her death, the temple has been abandoned and no one was managing the temple. The photographs were also produced before this Court to show the condition of the temple before the authorities took control of the temple and after the authorities took charge of the temple. The temple was also listed under the HR & CE Act by the proceedings dated 17.11.2021 and thereafter, the Inspector has also been appointed by proceedings dated 17.06.2022. The copy of the proceedings have also been produced before this Court.

4. A perusal of the above proceedings makes it clear that the authorities have already passed an Order and took control of the temple.



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5. At this stage, the learned counsel appearing for the petitioners submitted that since Orders have already been passed and those Orders have not been served on them, liberty may be given to the petitioner to challenge the Orders in the manner known to law.

6. In view of the submissions of the learned Special Government Pleader appearing for the respondents, this Writ Petition is dismissed with liberty to the petitioners to challenge the Orders of the first respondent in the manner known to law. Consequently connected miscellaneous petition is closed. No costs.

21.02.2023

Index: Yes/No

Neutral Citation : Yes/No

vrc

To,



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N.SATHISH KUMAR, J.

VTC

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