



W.P.No.9359 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9359 of 2023
and WMP No.9458 of 2023

Sri Mahamariamman Vanniyar Arakkattalai
Rep. by its President D.Manickam
S/o. Duraisamy
No.90A, Perumathur Post
Kunnam Taluk
Perambalur -621 717.

..Petitioner

.Vs.

1. The Commissioner for HR and CE
119 Uthamar Gandhi Rd
Thousand Lights West
Nungambakkam, Chennai 34.
2. The Joint commissioner for HR and CE
Srinivasa Nagar, Thiruvanaikoil
Tiruchirappalli, Tamil Nadu 620 005.
3. The Assistant commissioner for HR and CE
Perambalur.



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4. The Executive Officer
Sellandiamman Thirukoil
Perumathur - 621717.

5. The Executive officer
Arulmigu Varatharaja Perumal Temple
Perumathur - 621 717.

.. Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent in his proceedings vide Notification No. 841/ 2023/ A3 dated 21.02.2023 and Notification No .842/ 2023/ A3 dated 21.02.2023 and to quash the same and consequently direct the respondents to consider the representation of the petitioner served on the respondents on 14.03.2023 and to pass appropriate orders within a time frame fixed by this Honble Court.

For Petitioner	Mrs.K.Anandhi
For Respondents	Mr.S.Yashwanth Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the third respondent in Notification No. 841/ 2023/ A3 and Notification No.842/ 2023/ A3, both dated 21.02.2023 and for a consequential direction to the respondents to consider the representation made by the petitioner on 14.03.2023 and pass appropriate orders.



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2.The petitioner claims to be an Arakkattalai. Even as per the averment made in the affidavit filed in support of the writ petition, the petitioner claims to be having control over Maha Mariamman Temple. However, a challenge has been made with regard to the notifications issued by the third respondent for appointment of non-hereditary Trustees for Sellandiamman Temple and Arulmigu Varadharaja Perumal Temple. The petitioner has also sought for the disposal of the representation dated 14.03.2023, wherein a general request has been made to the Department to appoint Trustees for the concerned Temples from among the persons, who had maintained this Temple in the concerned Village.

3.Heard Mrs.K.Anandhi, learned counsel for the petitioner and Mr.S.Yashwanth, learned Additional Government Pleader for the respondents.

4.In the considered view of this Court, the very construction of the affidavit filed in support of the writ petition is totally confusing and it lacks clarity. The petitioner Arakkattalai is not claiming any right over the Sellandiamman Temple and Arulmigu Varadharaja Perumal Temple. Even according to the petitioner, they are in control of Maha Mariamman Temple. Therefore, it is not known as to why the petitioner is challenging the notifications issued by the Department for appointment of non-hereditary Trustees for two Temples, over which the petitioner is not claiming any right.

5.During the course of arguments, the learned Additional Government Pleader appearing on behalf of the respondents submitted that the Maha Mariamman Temple is also



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very much within the control of the HR and CE Department and even for this Temple, notification was issued for appointment of non-hereditary Trustee and the said notification has not been put to challenge in this writ petition. That apart, the son of the President of the Arakkattalai viz., one Ganesan has submitted his application for acting as the non-hereditary Trustee of Maha Mariamman Temple. This fact has been safely concealed in the affidavit. That apart, the so called representation that was given on 14.03.2023, is equally confusing since the petitioner is seeking for the appointment of non-hereditary Trustees in the respective Temples from among the persons who have been maintaining those Temples.

6.The writ Petition has been filed only with a view to stall the appointment of non-hereditary Trustees. While doing so, the petitioner Arakkattalai which claims to be in control of Maha Mariamman Temple does not even question the notification issued for the appointment of the non-hereditary Trustees for the said Temple. The petitioner has pleaded as if the Temple is not coming within the control of the HR and CE Department. However, the documents that have been placed before this Court makes it very clear that the Temple is very much within the control of the HR and CE Department. This fact has been recognized by a person not less than the son of the President of the Arakkattalai, who has submitted his application for participation in the selection of the non-hereditary Trustees for the Maha Mariamman Temple. This writ petition is a clear abuse of process of Court and there are absolutely no merits in this writ petition.



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7. In view of the above discussion, this writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

18.04.2023

KP

Internet : Yes/No

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

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