



Writ Petition No.11021 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Writ Petition No.11021 of 2023

and

W.M.P.Nos.10907, 10908 & 10909 of 2023

- 1.V.Pandurangan
S/o.Veerappan
- 2.V.M.Ramesh
S/o.V.Manickavel
- 3.J.Selvam
S/o.Jayaraman
- 4.R.Varadhan
S/o.Ramu
- 5.B.Bakthavatsalam
S/o.Balakrishnan
- 6.B.Dharnasingh
S/o.Balakrishnan
- 7.P.Parthiban
S/o.Pandurangan



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8.M.Sridharan
S/o.Mayakannan

9.M.Udayakumar
S/o.Mani

10.K.Ranjithkumar
S/o.Kaliyappan

11.S.Vengatesh
S/o.Sekar

12.P.Arunkumar
S/o.Periyasamy

13.D.Ganapathy
S/o.Devadass

14.A.Vinodkumar
S/o.Arumugam

15.B.Karthikeyan
S/o.Balaraman

... Petitioners

Vs.

1.The State of Tamil Nadu
represented by its Secretary,
Department of Tourism, Culture and
Religious Endowments,
Fort St.George, Chennai - 600 009.



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2.The Commissioner,
Hindu Religious and Charitable Endowments
Department,
Mahatma Gandhi Road, Nungambakkam, Chennai - 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments
Department,
Collector Office Road,
Moovendar Nagar, Villupuram - 605 602.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department,
Collector Office Road,
Moovendar Nagar, Villupuram - 605 602.

5.The Inspector,
Hindu Religious and Charitable Endowments
Department,
Vanur, Vanur Taluk,
Villupuram District - 605 109.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the fifth respondent in connection with the impugned undated proceedings published by the fifth respondent for public auctioning of the crops in the land belonging to Arulmigu Marimuthalamman alias Muthumariamman Temple at Chinnakottakuppam Village, Vanur Taluk, Villupuram District, which are cashew nuts, coconut and tamarind passed by the fifth respondent and quash the same.



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For Petitioner : Mr.M.Ramamoorthi

For Respondents : Mr.S.Yaswanth
Additional Government Pleader

ORDER

This writ petition has been filed by persons, who are claiming to be managing the affairs of the Arulmigu Marimuthalamman alias Muthumariamman Temple at Chinnakottakuppam Village, Vanur Taluk, Villupuram District and also devotees of the said temple, assailing the publication made by fifth respondent for giving the agricultural lands belonging to the temple on lease by calling for public auction.

2. Heard Mr.M.Ramamoorthi, learned counsel for petitioner and Mr.S.Yaswanth, learned Additional Government Pleader, appearing for respondents.

3. The main grievance that was expressed by learned counsel for petitioner is that there was an earlier civil suit filed in O.S.No.30 of 2005 on



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the file of Sub Court, Tindivanam, wherein the appointment of hereditary trustees by the Hindu Religious and Charitable Endowments department [hereinafter referred to as 'HR & CE department'] came to be questioned by the people belonging to the village and ultimately, the suit was decreed by judgment and decree dated 30.07.2008. In view of the same, it was contended that the temple is not under the control of the HR & CE Department and therefore, the fifth respondent lacks power or jurisdiction to bring the properties belonging to the temple for public auction.

4. *Per contra*, learned Additional Government Pleader, on written instructions, received from the fifth respondent submitted that the temple in question is a non-listed temple and the Assistant Commissioner has appointed the fifth respondent as fit person u/s.49(1) of The Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as 'the Act']. Learned Additional Government Pleader submitted that the temple comes under the Integrated Temple Management Scheme and this temple falls under ITMS No.22731. Learned Additional Government



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Pleader further submitted that the fifth respondent is the competent person to manage the affairs of the temple and hence, the fifth respondent has the power and jurisdiction to call for bids and give the lands belonging to the temple on lease and thereby, augment the revenue of the temple. Learned Additional Government Pleader further questioned the very *locus standi* of the petitioners in maintaining this writ petition.

5. In the considered view of this Court, there is sufficient material to show that the temple in question has been brought under the HR & CE department as non-listed temple u/s.49(1) of the Act. The written instructions shows that the Assistant Commissioner has appointed the fifth respondent to manage the affairs of the temple. Hence, it is for the HR & CE department to take action to augment the income of the temple by properly utilizing the properties belonging to the temple. If at all, the devotees or the persons claiming to be managing the temple wants this temple not to fall under the nomenclature of a religious institution, they must take steps u/s.63(a) of the Act by filing appropriate application before the Joint



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Commissioner. Till that is done, the subject temple will come within the purview of the HR & CE department since it will be construed as a religious institution. In view of the same, the fifth respondent is competent to effect publication and auction the lands belonging to the temple and give it on lease. This will help the temple in augmenting the income and the lands cannot be let free to be utilized by one and all.

6. In view of the above discussion, this Court does not find any ground to interfere with the public auction called for by the fifth respondent. On carefully going through the records, it is seen that the persons belonging to the village and the devotees have been showing a lot of interest in the subject temple. In view of the same, there shall be a direction to the fourth respondent to immediately take steps to appoint non-hereditary trustees of the temple. The application shall be called for immediately and it will be left open to the villagers and devotees to apply for the non-hereditary trustee post. This will ensure that the interest of the temple is safeguarded and at the same time, the village people participate in the affairs of the temple and



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the same is statutorily recognized. This process shall be completed by the fourth respondent within a period of three (3) months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Speaking Order / Non Speaking Order
Neutral Citation: Yes/No
gm

To

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- 2.The Commissioner,
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N. ANAND VENKATESH, J

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