



Writ Petition No.18139 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.18139 of 2023

and

W.M.P.Nos.17335 & 17336 of 2023

Sri Rama Anjaneyar Temple,
Teachers Colony,
Royapettah,
Chennai - 600 014.
represented by its
Secretary Thiru S.T.Srikumar
of the Temple Committee

...Petitioner

Vs

- 1.The State of Tamil Nadu,
represented by its Secretary,
Department of Tourism,
Culture and Religious Endowments,
Namakkal Kavingar Maligai,
Fort St.George, Chennai - 600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments
Department,
Nungambakkam,
Chennai - 600 034.
- 3.The Deputy Commissioner,
Hindu Religious and Charitable Endowments
Department,
Nungambakkam, Chennai - 600 034.



Writ Petition No.18139 of 2023

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department,
Avadi, Chennai - 600 050.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records leading to the impugned notice dated 13.03.2023 passed in Na.Ka.No.4270/2021-61/A-2 issued by the fourth respondent which was pasted in the outside wall of the Temple and quash the same and consequentially forbear the respondents not to interfere with the affairs of the Temple "Sri Rama Anjaneya Temple" at Teachers Colony, Royapettah, Chennai - 600 014, either in pursuance of the impugned order or in any other manner whatsoever.

For Petitioner : Mr.T.V.Ramanujam, Senior Counsel
for Mr.R.Ramya
For Respondents : Mr.S.Yaswanth
Additional Government Pleader

ORDER

When the writ petition came up for admission on 21.06.2023, this Court passed the following order:

"Mr.S.Yaswanth, learned Additional Government Pleader takes notice on behalf of the respondents.

2.Mr.T.V.Ramanujam, learned Senior Counsel appearing on behalf of the petitioner submitted that the impugned proceedings dated 13.03.2023 that was issued by the 4th respondent suffers from lack of jurisdiction, in view of the fact that the temple in question has already been declared as a private temple. The learned Senior



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Writ Petition No.18139 of 2023

Counsel to substantiate this submission, brought to the notice of this Court the reported judgment in ***Kuppuswamy vs. The Commissioner, HR & CE., Admn. Department, Chennai – 600 034 and another (2011 1 LW 351)***, wherein, the subject temple was held to be a private temple. In view of the same, it was contended that the 4th respondent does not have any jurisdiction to issue proceedings for appointment of non-hereditary trustee. This Court is able to find a lot of force in the submission made by the learned Senior Counsel.

3.The learned Additional Government Pleader appearing on behalf of the respondents submitted that he will take instructions and report before this Court.

4.Post this writ petition under the caption ‘For Orders’ on 23.06.2023. Till then, the impugned proceedings dated 13.03.2023 shall not be given effect."

2. When the matter was taken up for hearing today, learned Additional Government Pleader appearing on behalf of respondents produced the written instructions given by the Assistant Commissioner. It is seen that the impugned proceedings dated 13.03.2023 has been withdrawn. Learned Additional Government Pleader submitted that intimation was also sent to the petitioner. A copy of the same has also been served on the learned counsel for petitioner. It is made clear that the Department shall not repeat this mistake in future and it must be borne in mind that the petitioner has already been declared as a private temple by a competent civil Court.

N.ANAND VENKATESH, J



Writ Petition No.18139 of 2023

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WEB COPY In view of the above, this Writ Petition is closed. No costs.

Consequently, connected miscellaneous petitions are closed.

23.06.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

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Department of Tourism,
Culture and Religious Endowments,
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Fort St. George, Chennai - 600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments
Department,
Nungambakkam, Chennai - 600 034.
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Writ Petition No.18139 of 2023