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Writ Petition No.21512 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.07.2023

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Writ Petition No.21512 of 2023
and W.M.P.No. 20882 and 20885 of 2023

P.Sreerama Gounder

...Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Salem.

3.The Executive Officer/Fit person,
Arulmigu Chidambareswarar Temple,
Deviyakurichi, Thalaivasal Taluk,
Salem District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, call for the records relating to the impugned paper publication dated 11.07.2023 issued by the 3rd respondent in a Tamil Daily Newspaper Dinakaran in release order No.149 செ.ம.தொ.அ A/Salem and quash the same as illegal and consequently



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direct the 2nd respondent dispose of the application filed by the petitioner in O.A.No.19 of 2023 within the time to be stipulated by this Court.

For Petitioner : Mr.P.Praveen Kumar

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR & CE)

O R D E R

The petitioner herein filed this writ petition challenging the paper publication issued by the 3rd respondent for leasing out the properties of the Vinayagar Temple, Mariamman Temple, Kumbaperumal Temple, Vaithiyanathaswamy Temple, Pidari Amman Temple and Ayyanar Temple situated in Navakurichi Village, Thalaivasal Taluk, Salem District.

2. It is the case of the petitioner that above said temples are in the administration of five members committee including the petitioner. The said temples have been maintained by Uralli Gounder Community people and the petitioner and four other persons are administering the temples as Nattamaikarars elected by the said community.



3. It is also stated by the petitioner that the lands of the temples

are in possession of the petitioner and other members of the committee.

The petitioner and other members of the committee administering the temples have filed an application under Section 63(b) of HR and CE Act before the 2nd respondent seeking a declaration that trusteeship of the temples is hereditary and the same is pending. In these circumstances, the 3rd respondent issued the impugned notice for leasing out the lands of the temples in public auction.

4. The learned counsel for the petitioner submits that when the application filed by the petitioner and other members of the committee for declaration of their Hereditary status of the trusteeship of the temples is pending, the 3rd respondent ought not to have initiated public auction of the properties of the temples.

5. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader on instructions submitted that as per the order passed by the First Bench of this Court in W.P.No.3826 of 2023 dated 10.02.2023, the encroachments in the properties of the above said temples were removed



and possession of the properties were taken by the officials of the HR and CE Department and thereafter, the impugned paper publication is issued for leasing the properties of the temples to augment the income.

6. Admittedly, the alleged Hereditary nature of the trusteeship of the temples is not yet declared and the petitioner herein is said to have filed an application in O.A.No.19 of 2023 on 04.03.2023 and the same is pending on the file of the 2nd respondent. The properties of the temples cannot be kept in an idle state till the disposal of the original application pending before the 2nd respondent. Therefore, the 3rd respondent, as a fit person of the temples, is justified in issuing paper publication for leasing out the temple properties. In case, the petitioner succeeds in the application filed before the 2nd respondent, the hereditary trustees recognized in accordance with law can always administer the temples by collecting the rent from the tenants inducted by public auction.

7. Therefore, this Court finds no reason to interfere with the impugned paper publication issued by the 3rd respondent.



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8. The 2nd respondent is directed to dispose of the application filed by the petitioner and four others under Section 63(b) of HR and CE Act in O.A.No.19 of 2023 within a period of six months from the date of receipt of a copy of this order.

9. In view of the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

19.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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