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W.P.Nos.25033 and 26197 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.Nos.25033 and 26197 of 2023

and

W.M.P.Nos.24460, 25602 and 25603 of 2023

Arulmigu Moolathuvazhiamman
Represented by its Secretary
Mr.Dhanaprakash Babu,
Kaveripakkam – 632 508
Vellore District.

...Petitioner in W.P.No.25033/2023

Arulmigu Pedari Chelliamman Temple
Represented by its Secretary
Mr.Dhanaprakash Babu,
Kaveripakkam – 632 508
Vellore District.

...Petitioner in W.P.No.26197/2023

VS.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Toruism, Culture and Religious Endowments Department
Fort St. George,
Chennai – 600 009.

2.The Commissioner, H.R & C.E Dept.
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.



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3. The Joint Commissioner,
H.R. & C.E. Department,
308, 1st Floor, Arcot Road,
Kagithapattarai, Vellore – 632 012

4. The Assistant Commissioner,
H.R. & C.E. Department,
No. 309, 1st Floor, Arcot Road,
Kagithapattarai,
Vellore – 632 012.

... Respondents (in both WPs)

PRAYER in W.P.No.25033 of 2023: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice issued in Notice No.8068/2022 (ITMS CODE: 4517)/A1 dated 16.06.2023, issued by the Assistant Commissioner H.R. & C.E. Department, Kagithapattarai, Vellore – 632 012, the fourth respondent herein and quash the same and consequently permit the Naataamaais of the nine streets and the people belonging to the said community to maintain the petitioner temple.

PRAYER in W.P.No.26197 of 2023: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Notice made in Notice No.8068/2022 (ITMS CODE: 4469)/A1 dated 16.06.2023, issued by the Assistant Commissioner H.R. & C.E. Department, Kagithapattarai, Vellore – 632 012, the fourth respondent herein, quash the same and consequently permit the Nataamaidhars of the nine streets and the people belonging to the said community to maintain the petitioner temple.



W.P.Nos.25033 and 26197 of 2023

For Petitioner : Mr.D.Krishna Pradeep
for Mr.N.Damodaran
(in both WPs)

For Respondents : Mr.K.Karthikeyan
Government Advocate (HR and CE)
(in both WPs)

COMMON ORDER

The petitioners have come by way of these writ petitions challenging the notification issued by the 4th respondent calling for applications for appointment of Non-Hereditary Trustees to Arulmigu Moolathuvazhiamman Thirukoil and Arulmigu Pedari Chelliamman Thirukoil, Kaveripakkam Village, Nemili Taluk, Ranipet District.

2. The learned counsel appearing for the petitioners tried to assail the impugned notification issued by the 4th respondent mainly on the ground that the temples in question have been managed by various community people living in Kaveripakkam Village from time immemorial and the respondents' Department had never exercised any control over the temple. It is also submitted by the learned counsel that the petitioners' temples are private temples and therefore, the provisions of the Hindu Religious and Charitable Endowments Act, 1959, is not applicable to the said temples.



3. Mr.K.Karthikeyan, learned Government Advocate (HR and CE)

appearing for the respondents, furnished a proceedings of 4th respondent dated 29.01.1973 whereunder the contribution fee has been fixed for the fasli 1382 equivalent to calender year 1973 by bringing the above said temples under the administration of the Hindu Religious and Charitable Endowments Department. Therefore, there are some evidence to show that the temples in question are already under the control of the Hindu Religious and Charitable Endowments Department. Therefore, there is no impediment for them to appoint Non-Hereditary Trustees to the above said temples in the absence of any hereditary trustees to the temples.

4. If it is the case of the petitioners that the temples are the private temples and the provisions of the Hindu Religious and Charitable Endowments Act, 1959, is not applicable to the said temples, it is for the petitioners to initiate appropriate proceedings before the appropriate forum to establish the temples in question are private temples. Till such time, the respondents are entitled to proceed in accordance with law.



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5. With the above observation, the writ petitions are disposed of. No

costs. Consequently, the connected miscellaneous petitions are closed.

12.09.2023

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

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

2. The Commissioner, H.R. & C.E Dept.
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.

3. The Joint Commissioner,
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S.SOUNTHAR, J.

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