



WEB COPY



W.P.No.27930 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.27930 of 2023
and WMP.No.27435 of 2023

M.Mohanan
Founder/Secretary,
Suyambu Arulmigu Sri Kolatchi Amman,
Arulmigu Chelliamman,
Arulmigu Kalanthai Nakkar Eswarar
Devasthanam Committee, Kilampakkam Village,
Urapakkam Post, Vandalur Taluk, Chengalpattu District.

Residing at Old No.32, New No.6
G.S.T.Road, Kilambakkam,
Urapakkam (PO) Vandalur Taluk Chengalpattu District.

....Petitioner

Vs.

- 1.The Commissioner,
Tamil Nadu Hindu Religious & Charitable Endowments
Department,
199, Uthamar Gandhi Salai, (Nungambakkam High Road)
Nungambakkam, Chennai – 600 034.
- 2.The Assistant Commissioner,
Tamil Nadu Hindu Religious & Charitable Endowments
Department,
No.228, J.C.K Nagar, Chengalpattu – 603 001.
- 3.The Assistant Commissioner,
Tamil Nadu Hindu Religious & Charitable Endowments



W.P.No.27930 of 2023

Department,
District Collector Office Complex,
Kancheepuram – 631 501.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents not to interfere with the peaceful possession and enjoyment of the Temple's land as well as Temple and order to continue Temple maintenance and other activities comprised in S.No.138, of Kilampakkam Village, Vandalur Taluk Chengalpattu District.

For Petitioner : Mr.J.Manoharan

For Respondents : Mr.K.Karthikeyan
Government Advocate (HR & CE)

ORDER

The petitioner herein seeks issue of Writ of Mandamus forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of temple land as well as temple comprised in S.No.138, Kilampakkam Village, Vandalur Taluk Chengalpattu District.

2.It is the case of the petitioner that a temple called Suyambu Arulmigu Sri Kolatchi Amman Temple was built 200 years ago and the same is maintained by the petitioner's Trust all along. The temple is situated in a land



W.P.No.27930 of 2023

classified as poromboke. It is also stated by the petitioner that the temple is not under the control of the HR & CE Department. However, the Subordinate Officials of the respondents 1 to 3 attempted to takeover the temple and hence, the petitioner was constrained to file this writ petition.

3.Mr.K.Karthikeyan, learned Government Advocate (HR & CE) takes notice for the respondents on written instructions, submits that the temple has been under the control of the HR & CE Department for quite a long time and in fact Oru Kala Pooja scheme was implemented in respect of the temple in question even in the year 2002. The ITMS number for the temple is 3049. The learned counsel also produced the first page of the pass book of Bank Account in the name of the temple, wherein the amount for Oru Kala Pooja is being credited by the Department.

4.The petitioner herein claims exclusive right over the management of the above said temple and it is asserted by the petitioner that the temple is not under the control of the HR &CE Department. If it is the case of the petitioner that the temple in question is a private temple, which will not come within the purview of the HR & CE Department, it is for him to file appropriate



W.P.No.27930 of 2023

application under Section 63 of HR & CE Act and establish his right in the manner known to law. Therefore, in view of the disputed fact with regard to the nature of the temple whether temple is private or public, this Court is not inclined to entertain this writ petition. However, the writ petition is dismissed with liberty to the petitioner to approach the appropriate Authority for establishing petitioner's right over the management of the temple. No costs. Consequently, connected miscellaneous petition is closed.

26.09.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation Case : Yes/No
nti/nsi



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W.P.No.27930 of 2023

S.SOUNTHAR, J.
nti/ns1

W.P No.27930 of 2023
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