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W.P.No.26936 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P. No.26936 of 2023

and

W.M.P.No.26365 of 2023

M.Murugesan

...Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai -34.
2. The Joint Commissioner,
Office of the Joint Commissioner of HR & CE,
Kotaimariamman Temple Campus,
Salem Ho, (Behind Old Bus Stand)
Salem – 636 001.
3. The Tahsildar,
Namakkal Taluk,
Namakkal District.
4. The Inspector,
Hindu Religious and Charitable Endowment Department,
Chellandiyamman Koil Street,
Namakkal Bazaar,
Namakkal – 637 001.
(Near Anjaneyar Koil)

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to approve the temple Arulmigu Sri Valampuri Amman Kovil, which is situated in the center place of petitioner patta lands in survey No.32/5 and patta No.369, Thathayangarpatti Village, Namakkal Taluk & District, as per Section 63 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 as a 'private temple' of the petitioner's family by considering the representation dated 04.09.2023 made by the petitioner.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.Mr.K.Karthikeyan
Government Advocate (HR & CE)
for R1, R2 & R4

Mr.N.Naveen Kumar
Government Advocate for R3

ORDER

The petitioner herein seeks a direction to the respondents to consider his petition dated 04.09.2023 and declare Arulmigu Sri Valampuri Amman Kovil, situated in patta lands of the petitioner in Survey No.32/5 and patta No.369, Thathayangarpatti Village, Namakkal Taluk & District as a private temple.



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2. It is the case of the petitioner that the above said temple is a private temple of the petitioner's family situated within the patta land of the petitioner. The said temple was constructed and renovated only by the members of the petitioner's family. It is also stated that the general public are not allowed to worship, the deities of the above said temple. In this circumstances, the respondents all of a sudden informed the petitioner that the Hindu Religious & Charitable Endowments Department proposed to take over the temple immediately. The petitioner submitted a representation dated 04.09.2023 to the second respondent requesting them to declare the above said temple as private temple and the same has not been considered. Therefore, the petitioner is before this Court.

3. Mr.K.Karthikeyan, learned Government Advocate takes notice for the respondents 1, 2 and 4 and Mr.N.Naveen Kumar learned Government Advocate takes notice for the third respondent.

4. The learned Government Advocate appearing for the respondents 1, 2 and 4 submitted that whether the temple in question is a



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private temple has to be established by the petitioner by approaching the Competent Civil Court and the same cannot be decided by the Authorities. As far as the contention of the petitioner that the said temple is situated within the patta lands of the petitioner and general public are not allowed to worship the deity, the same can be considered only by the jurisdictional Joint Commissioner namely the Joint Commissioner, Erode and the petitioner failed to submit a representation to the jurisdictional Joint Commissioner.

5. In view of the submissions made by the learned Government Advocate appearing for the respondents 1, 2 & 4, the petitioner is directed to make a representation to the jurisdictional Joint Commissioner namely Joint Commissioner, Erode within a period of two weeks from the date of receipt of copy of this order. Till such time, the respondents shall maintain *status quo*. If any such representation is made by the petitioner within the time stipulated above, the jurisdictional Joint Commissioner shall consider the same in accordance with law and pass final orders on merits after giving opportunity to the petitioner within a period of 8 weeks thereafter. It is also open to the petitioner to file appropriate application in prescribed format under Section 63 (a) of the Hindu Religious & Charitable Endowment Act to determine the



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question whether temple is a private one. [Ref 2003 (1) CTC P.484:

Inspector/Fit person H.R. & C.E., Arulmighu Sundaresa Gnaniar Koil
Cholakadai Street Dharapuram].

6. With the above directions, this Writ Petition is disposed of. No
costs. Consequently, connected Miscellaneous Petition is closed.

14.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna



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S.SOUNTCHAR, J.
dna

To

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