



W.P.No.11187 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.11187 of 2017

V.Palanisami

..

Petitioner

Vs.

1. Union of Territory of Puducherry
Rep. by the Chief Secretary
Government of Puducherry
Secretariat, Puducherry.
2. The Commissioner
Hindu Religious Charitable Endowments Board
Government of Puducherry
Puducherry – 605 009.
3. The Special Officer
Sri Arulmigu Thiroupathai Amman
Temple Devasthanam
Murugappakkam
Puducherry – 605 004.
4. The Administrative Officer
Sri Arulmigu Thiroupathai Amman
Temple Devasthanam
Murugappakkam
Puducherry – 605 004.



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5. The President
Sri Arulmigu Thiroupathai Amman
Temple Devasthanam
Murugappakkam
Puducherry – 605 004.
6. The Vice President
Sri Arulmigu Thiroupathai Amman
Temple Devasthanam
Murugappakkam
Puducherry – 605 004.
7. The Secretary
Sri Arulmigu Thiroupathai Amman
Temple Devasthanam
Murugappakkam
Puducherry – 605 004.
8. The Treasurer
Sri Arulmigu Thiroupathai Amman
Temple Devasthanam
Murugappakkam
Puducherry – 605 004.
9. G.Ganapathy
10. V.Gandhi
11. A.Jayaraman
12. V.Balasundaram
13. R.Neelan

[R9 to R13 impleaded vide order dated
14.06.2023 in W.P.No.11187 of 2017]

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records relating to impugned



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order vide No.4364/E.Sa.Ni/Ko.4/2017 dated 10.04.2017 passed by the second respondent and quash the same in the interest of Temple and general public.

For the Petitioner : Mrs.Chitra Sampath
Senior Counsel
for Mr.S.T.S.Baskaran

For the Respondents : Mr.S.Ravee Kumar
Government Pleader (Puducherry)
for R1

Mr.P.Sunil Kumar
for R9

ORDER

(Made by the Hon'ble Chief Justice)

We heard Mrs.Chitra Sampath, learned Senior Counsel for Mr.S.T.S.Baskaran, learned counsel for the petitioner, Mr.S.Ravee Kumar, learned Government Pleader (Puducherry) for the first respondent and Mr.P.Sunil Kumar, learned counsel for the ninth respondent.

2. The petitioner claims that the petitioner is a worshiper and, as such, is a person interested in the Temple. The petitioner assails the order dated 10.04.2017 passed by the Commissioner of the Hindu Religious Institutions and Wakf Department, Puducherry.



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3. According to learned Senior Counsel, the impugned order is passed only for political reasons and for the benefit of the plot-holders adjoining the temple. There is no necessity for erection of a gate for temple purpose, as there are six gates already. Learned Senior Counsel relied on the sketch map to substantiate her contention.

4. We have heard learned counsel for the respondents, who would submit that the Temple is under the control of the Commissioner and there are no Trustees at present. The order, as it appears, is passed only because of some representation given to the Hon'ble Chief Minister to create an entrance in the compound wall for the usage of the general public. Inspection was made and thereafter, it is stated that permission was granted by the Hon'ble Chief Minister to open a way towards Villianur and open another way towards Kuyavar Road only at the time of temple festival.



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5. Nowhere in the order it is stated that the necessity to open and erect a gate by demolishing the compound wall exists. The Commissioner ought to have come to the conclusion as to the necessity for the erection of the iron gate. He has to take into consideration the pros and cons of erecting the iron gate and then, arrive at a subjective satisfaction based on the objective assessment of the facts. The said exercise does not seem to have been carried out.

6. In the light of the above, the Commissioner of the Hindu Religious Institutions and Wakf Department, Puducherry shall re-examine the said aspect and take a fresh decision as to whether the erection of the iron gate at the place, as referred to under order dated 10.04.2017, is necessary. The petitioner and / or the other stakeholders may represent themselves before the Commissioner on 04.08.2023. While taking a fresh decision, the impugned order would not be an impediment and the same does not survive.



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7. With these directions, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.12131, 12130 & 12132 of 2017 are closed.

(S.V.G., CJ.)

(P.D.A., J.)
26.07.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

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Union of Territory of Puducherry
Government of Puducherry
Secretariat, Puducherry.
2. The Commissioner
Hindu Religious Charitable Endowments Board
Government of Puducherry
Puducherry – 605 009.



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(drm)

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