



WEB COPY



W.P. No. 29901 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

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

W.P. No. 29901 of 2023

and

W.M.P. No. 29524 of 2023

C.Narayanan

... Petitioner

-VS-

1. The Commissioner,
Hindu Religious Charitable Endowment Department,
Nungambakkam,
Chennai.
2. The Assistant Commissioner,
Hindu Religious Charitable Endowment Department,
Kallakurichi.
3. The Executive Officer,
Sri Varadharaja Perumal Temple,
Pugaipatti Village and Post,
Ulundurpettai Taluk,
Kallakurichi District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the Respondents from interfering with the Sri Varadharaja Perumal Koil Temple administration situated at Pugaipatti Village, Ulundurpettai Taluk, formerly in Villupuram District, presently in Kallakurichi District except due process of law and



W.P. No. 29901 of 2023

consequently direct the Respondents to remove the lock and seal made upon on the Temple Bill/Hundi (Undiyal) and remove full-size Iron Tank immediately.

For Petitioner : Mr. N.Naganathan

For Respondents : Mr. N.R.R.Arun Natarajan,
Special Government Pleader

ORDER

Heard Mr. N.Naganathan, Learned Counsel for the Petitioner and Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who claims to be the Hereditary Trustee of Sri Varadharaja Perumal Temple (hereinafter referred to as 'the Temple' for short) in Pugaipatti Village of Ulundurpettai Taluk in Kallakurichi District, contends that the Respondents have unauthorizedly sealed 'the Hundial' of the Temple and has sought to restrain the Respondents from interfering with the affairs of the Temple and to direct the removal of the seal of the Hundial in the Temple in this Writ Petition.



W.P. No. 29901 of 2023

3. In response, Learned Special Government Pleader appearing for the Respondents submits that the Third Respondent is a non-listed Temple in terms of Section 49(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, which is administered by a Fit Person and the Petitioner has not been recognized as a Hereditary Trustee of the Temple. It is further informed that during inspection conducted on 15.07.2023, it was noticed that the Hundial had been installed without obtaining prior permission and it had to be sealed in terms of Rule 6 of the Installation, Safeguarding and Accounting of Hundial Rules, 1975, which reads as follows:-

“6. Arrangements for sealing of Hundials.- On and from the date of coming into force of these rules, the appropriate authority shall take steps to have the Hundial and other receptacles in the institutions which have not so far sealed, affixed with the seal of the department by an officer of the department and the Executive Authority of every such institution, all officers and servants working under him or any other person concerned, shall afford such assistance and facilities as may be necessary or reasonably required in regard to the sealing of the Hundials.”

Inasmuch as the aforesaid explanation deserves acceptance, there does not appear to be any infirmity in the action of the Respondents warranting



W.P. No. 29901 of 2023

interference by this Court in the exercise of discretionary powers of judicial review of the decision making process under Article 226 of the Constitution. At the same time, it is made clear that if the Petitioner still has any other grievance to be redressed in the matter, he is not precluded from working out its rights before the proper forum in the manner recognized by law.

In the result, the Writ Petition is dismissed with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed.
No costs.

17.10.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.10.2023.

pal/vjt

To

1. The Commissioner,
Hindu Religious Charitable Endowment Department,
Nungambakkam, Chennai.
2. The Assistant Commissioner,
Hindu Religious Charitable Endowment Department,
Kallakurichi.
3. The Executive Officer,
Sri Varadharaja Perumal Temple,
Pugaipatti Village and Post,
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W.P. No. 29901 of 2023

P.D. AUDIKESAVALU, J.

pal/vjt

W.P. No. 29901 of 2023

17.10.2023