



W.P.Nos.28629 of 2018 and 29420 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM :

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

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.28629 of 2018 and 29420 of 2019

W.P.No.28629 of 2018:

Poonamallee Uyar Thuluva Vellala
Community Association,
rep. by its President A.C.Kandaswamy,
No.11, Nattu Subaraya Mudali Street,
Mylapore,
Chennai-600 004.

.. Petitioner

Vs

1.The Principal Secretary to Government (FAC),
Tourism, Culture and Religious Endowments Dept.,
Secretariat, Chennai-600 009.

2.The Commissioner,
Hindu Religious and Charitable Endowments Dept.,
Nungambakkam,
Chennai, Tamil Nadu – 600 034.

3.P.Vijayakumar Reddy

.. Respondents



W.P.Nos.28629 of 2018 and 29420 of 2019

W.P.No.29420 of 2019:

A.Viswanatha Mudaliar

.. Petitioner

Vs

1.State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Tourism, Culture and Religious Endowments Dept.,
Secretariat, Chennai-9.

2.Hindu Religious and Charitable Endowments Dept.,
by its Commissioner,
119, Mahatma Gandhi Road,
Nungambakkam, Chennai-34.

3.The Executive Officer,
Sri Kapaleeswarar Temple,
Mylapore, Chennai-4.

.. Respondents

Prayer in W.P.No.28629 of 2018 : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records pertaining to G.O. (Ms) No.41 dated 10.2.2012 appointing the third respondent as Thakkar of the Arulmighu Kabaleeswarar Thirukoil, Mylapore, Chennai, quash the same, further directing the respondents 1 and 2 to hand over the administration of the temple to the petitioner's community association based on the representation dated 15.11.2016 by the petitioner's community association.



W.P.Nos.28629 of 2018 and 29420 of 2019

WEB COPY

Prayer in W.P.No.29420 of 2019 : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration declaring the appointment of E.O. to Shri Kapaleeswarar Temple, Mylapore as violative of the Constitution, Act and the law declared by the Supreme Court and consequently direct the respondents to hand over the administration of the Shri Kapaleeswarar Temple to the Mudaliar community forthwith.

For the Petitioner : No appearance
in W.P.No.28629/2018

Mr.J.Srinivasa Mohan
in W.P.No.29420/2019

For the Respondents : Mr.C.Jayaprakash
Government Advocate
for respondent Nos.1 and 2
in both WPs.

: No appearance
for respondent No.3
in both WPs.

COMMON ORDER

(Order of the court was made by the Hon'ble Chief Justice)

None appears for the petitioner in W.P.No.28629 of 2018.



W.P.Nos.28629 of 2018 and 29420 of 2019

WEB COPY

2. Heard Mr.J.Srinivasa Mohan, learned counsel for the petitioner in W.P.No.29420 of 2019 and Mr.C.Jayaprakash, learned Government Advocate for respondents 1 and 2.

3. In both the writ petitions, the prayer made is almost similar.

4. Learned counsel for the petitioner in W.P.No.29420 of 2019 submits that the temple is required to be handed over to the Mudaliar community.

5. Learned Government Advocate for the HR & CE Department submits that Board of Trustees are appointed under the Government Order dated 5.7.2022.

6. According to learned counsel for the petitioner in W.P.No.29420 of 2019, the temple is required to be manned and administered by the Mudaliar community and it is to be handed over to them.



W.P.Nos.28629 of 2018 and 29420 of 2019

7. The petitioners may make an application to the Joint Commissioner, Hindu Religious and Charitable Endowments Department under Section 63 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 or such other provision as may be permissible in that regard. If such an application is made, the HR & CE Department shall take a decision on its own merits and in accordance with law and as per the procedure expeditiously.

8. With these observations, the writ petitions stand disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.33413 and 33415 of 2018 and 29265 of 2019 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

06.10.2023

Index : Yes/No
Neutral Citation : Yes/No
bbr



W.P.Nos.28629 of 2018 and 29420 of 2019

To

WEB COPY

- 1.The Principal Secretary to Government (FAC),
Tourism, Culture and Religious Endowments Dept.,
Secretariat, Chennai-600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments Dept.,
Nungambakkam,
Chennai, Tamil Nadu – 600 034.
- 3.The Executive Officer,
Sri Kapaleeswarar Temple,
Mylapore, Chennai-4.



WEB COPY



W.P.Nos.28629 of 2018 and 29420 of 2019

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

bbr

W.P.No.28629 of 2018 and 29420 of 2019

06.10.2023