



W.P. (MD) Nos. 3652 and 3653 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2023

CORAM

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

W.P. (MD) Nos. 3652 and 3653 of 2023

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|----------------|--|
| 1.A.Thangavelu | ... Petitioner in W.P. (MD) No. 3652 of 2023 |
| 2.M.Murugan | ... Petitioner in W.P. (MD) No. 3653 of 2023 |

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Road, Thousand Lights West,
Nungambakkam, Chennai - 600 034..
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
450, Muthusamy Nagar, Thirupattur Road,
Sivagangai – 630 561.
3. The Hereditary Trustee,
Five Temple Devasthanam Head Office,
Kundrakudi, Sivagangai District.

... Respondents

Common Prayer:- Petitions filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the respondents 1 to 3 herein to consider the petitioners' representations dated 05.07.2022 and 01.08.2022 and reinstate petitioners as Vairavi to the service of the Arulmighu Shanmuganatha Perumal Thirukkivil, Kundrakudi, within the time stipulated by this Hon'ble Court.

For Petitioner in both : Ms. A.S.Rajeswari



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For Respondents 1 & 2 : Mr. P.Subbaraj,
in both Writ Petitions Special Government Pleader

For Respondent No.3 : Mr. VR.Shanmuganathan
in both Writ Petitions

COMMON ORDER

Heard Ms. A.S.Rajeswari, Learned Counsel for the Petitioners and Mr. P.Subbaraj, Learned Special Government Pleader, who takes notice for the First and Second Respondents and Mr. VR.Shanmuganathan, who takes notice for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. These Writ Petitions have been filed for directing the Respondents to consider the representations dated 05.07.2022 and 01.08.2022 made by the Petitioners to re-instate them as 'Vairavi' in the services of the Arulmighu Shanmuganatha Perumal Thirukkuvil, Kundrakudi, within a time frame.

3. In response to the said claim made, Learned Counsel for the Third



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Respondent has filed a memo dated 24.02.2023, which reads as follows:-

“01. The Writ Petitioners claim “Vairavi” Service in the 3rd respondent Temple.

02. The family members of petitioners were rendering “Vairavi” service in Arulmighu Shanmuganatha Samy Thirukovil, Kundrakudi. Service relates to taking care of security of the temple. They are not paid servants of the temple. It is a service for honorarium. They would receive some per quisites in the form of prasadam etc., for the service.

03. On 24.03.2005, the family members of petitioners committed theft of Hundial and jewels in the temple, in respect of which criminal case in Cr.No.102 of 2005 on the file of Kundrakudi Police Station which culminated to C.C.No. 194 of 2006 on the file of the learned Judicial Magistrate, Karaikudi, Crl.App.No. 6 of 2011, on the file of the learned Session Judge, Sivagangai, Cr.RC.MD.No. 518 of 2012 before the Hon'ble court and out of 4 accused, two were acquitted giving benefit of doubt and for the other two conviction was confirmed and had become final though sentence was modified.

04. Be that as it may, after the incident on 24.03.2005, temple



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administration had dispensed with the Vairavi Service in the temple and had engaged Private security Services, which is continuing till date. Therefore there is a break in Vairavi Service for more than 18 years. Further in view of 1971 amendment introducing section 55(2) to Hindu Religious and Charitable Endowments Act, hereditary succession to any service holder or any employee is abolished. Therefore petitioners, as of right to succeed cannot make any claim, in view of the specific bar.

Hence, the above Writ Petition is not maintainable both on facts and on law and deserves dismissal.”

In view of the abolition of the hereditary appointment of the Vairavi services in the Temple of the Third Respondent, it would not be possible to direct the Respondents to pass orders on the representations dated 05.07.2022 and 01.08.2022 made by the Petitioners in these cases.

In the result, the Writ Petitions, which cannot be entertained, is dismissed.

No costs.



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24.02.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes /No

SJ

Note: Issue order copy by 22.06.2023

To

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department, No.119,
Uthamar Gandhi Road, Thousand Lights West,
Nungambakkam, Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
450, Muthusamy Nagar, Thirupattur Road,
Sivagangai - 630561.



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P.D. AUDIKESAVALU, J.

SJ

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