



W.P.(MD) No.13212 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.13212 of 2023

S.Pazhani

.. Petitioner

Vs.

1.The Secretary,
Hindu Religious Charitable and
Endowment Department,
St. George Fort, Chennai.

2.The Commissioner,
Hindu Religious Charitable end
Endowment Department,
Uthamar Gandhi Road,
Nungambakkam,
Chennai.

3.The Assistant Commissioner (Admin),
Kanyakumari Division (HR&CE),
Mettu Street, Vadiveeswaram,
Nagercoil-629 002.

4.S.Balakrishnan

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus, directing respondents 2 and 3



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to consider the petitioner's representation dated 27.10.2022 and to take appropriate action against the fourth respondent and stop the illegal and unauthorized encumbrance over the properties belonging to the Religious Institution namely Arulmigu Vanamurthi Edamalai Kandan Sastha Temple at Marungoor, within the time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh
For RR1 to 3 : Mr.P.Subbaraj
Special Government Pleader

ORDER

The petitioner has moved this Court invoking its extraordinary jurisdiction under Article 226 of the Constitution of India for issue of a mandamus to respondents 2 and 3 to consider his representation dated 27.10.2022 and take appropriate action against the fourth respondent and stop the illegal and unauthorised encumbrance over the properties belonging to the Religious Institution viz., Arulmigu Vanamurthi Edamalai Kandan Sastha Temple at Marungoor, within a time frame to be fixed by this Court.



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2. It is the petitioner's case that the petitioner and the fourth respondent are members of a denominational Religious Institution viz., Arulmigu Vanamurthi Edamalai Kandan Sastha Temple at Marungoor, which is a listed temple in Kanyakumari District. The said Religious Institution owns extensive immovable properties in Kanyakumari District and these properties are endowed for the purpose of maintaining the temple and performing poojas and ceremonies by the Kathikkarar Community people in Marungoor Village, Agasteeswaram Taluk, Kanyakumari District. The communities have their own scheme to manage the affairs of the temple and its properties.

3. It is the further case of the petitioner that for the past few years, the fourth respondent has been managing and administering the Religious Institution. However, he has failed to conduct proper election and selection as set out in the Recognised Scheme or Customary Practice. He had been leasing out the immovable properties which included agricultural lands and was appropriating the rents to himself and since the fourth respondent was acting against the temple, the petitioner had



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approached respondents 1 to 3 to take action against the fourth respondent in the representation mentioned above. Since respondents 1 to 3 have not come forward to consider the same, the petitioner has been constrained to approach this Court.

4. Heard the learned counsel appearing for the parties.

5. The writ petition has been filed for the limited relief of considering the petitioner's representation, that too, on the allegation that the fourth respondent is misusing his status as *de facto* manager of the temple. In these circumstances, this Writ Petition is disposed of directing respondents 2 and 3 to consider the petitioner's representation and pass orders within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner. No costs.

07.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
abr



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To

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State of Tamil Nadu,
Hindu Religious Charitable and
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- 2.The Commissioner,
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Endowment Department,
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P.T.ASHA, J.

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