



W.P.(MD).No.16504 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.16504 of 2023

R.Thirumurugan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Hindu Religious and Charitable
Endowment Department,
Fort St.George, Secretariat,
Chennai – 600 009.
- 2.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.
- 3.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.40, Muthusamy Nagar,
Sivagangai,
Sivagangai District – 630 561.



W.P.(MD).No.16504 of 2023

4. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Opposite to T.T.Vinayagar Higher Secondary School,
Ramanathapuram – 625 501.

5. P.Kalaiarasan (President),
Sri Velmurugan Arulmigu Arasanayagi Amman Kovil,
Mandapam camp,
Arasanayagipuram, Marine Fisheries,
Ramanathapuram District.

6. Ashokan, (Poosari)
Sri Velmurugan Arulmigu Arasanayagi Amman Kovil,
Mandapam camp,
Arasanayagipuram, Marine Fisheries,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.1 to 4 herein to take appropriate action against the fifth and sixth respondent that is President and Poosari in temple namely Arasanayakipuram Sri Vallapa Ganapathy Sri Velmurugan Arulmigu Arasanayagi Amman Kovil situated at Mandapam camp, Arasanayagipuram, Marine fisheries, Ramanathapuram District, in the light of the petitioner's representation dated 10.04.2023 and consequently direct the second respondent to take control of the Temple under the Hindu Religious and Charitable Endowment Department.



W.P.(MD).No.16504 of 2023

For Petitioner : Mr.S.Balaji
For R-1 to R-4 : Mr.S.P.Maharajan,
Special Government Pleader.
For R-5 : Mr.S.Kumar
For R-6 : No Appearance

ORDER

This Writ Petition is filed for Mandamus, directing the respondents 1 to 4 herein to take appropriate action against the fifth and sixth respondent, who are the President and Poosari of the temple namely Arasanayakipuram Sri Vallapa Ganapathy Sri Velmurugan Arulmigu Arasanayaki Amman Kovil situated at Mandapam camp, Arasanayagipuram, Marine fisheries, Ramanathapuram District, in the light of the petitioner's representation dated 10.04.2023 and consequently direct the second respondent to take control of the Temple under the Hindu Religious and Charitable Endowment Department.

2. The petitioner has filed this Writ Petition claiming himself as an Advocate and he is having office at Paramakudi. The allegation is against the fifth and sixth respondents. The contention of the petitioner is that the fifth



W.P.(MD).No.16504 of 2023

respondent, Kalaiarasan was appointed as Poosari and he is doing pooja who is more than 70 years old. The sixth respondent, M.Ashokan, who has been working as Technical Assistant of Mandapam Camp since 10 years, is acting as Temple Committee President. The said fifth and sixth respondents have sold the silver ornaments and they did not show any proper accounts thereby mismanage the Temple property. Further if anyone questioned them, they would be attacked by hooligans. They are fighting with the persons who asked about the Temple mismanagement and thus the illegal activity is increasing day-by-day. Hence, the petitioner is before this Court.

3. The learned counsel appearing for the fifth respondent submitted that he is acting as Poosari in the said Temple and the sixth respondent is the President of the said Temple. The learned counsel appearing for the fifth respondent submitted that there is no Hundiyaal in the present Temple. Moreover, it is a non-listed Temple. Therefore, the allegations against the fifth and sixth respondents cannot be entertained by the Hindu Religious and Charitable Endowments Department. The petitioner is falsely alleging against them and the Temple is not collecting any money from anybody.



W.P.(MD).No.16504 of 2023

4. Recording the said submission, this Court is not inclined to entertain this Writ Petition. Moreover, the petitioner has submitted a representation that on 05.05.2023 on Chitrapournami function would be conducted. As on date, the said function is over without any allegations of violence or any law and order problem. Moreover, the alleged allegations submitted is not substantiated by any evidence. Therefore, this Court is not inclined to entertain this Writ Petition.

5. With the above observations, this Writ Petition is dismissed. There shall be no order as to costs.

12.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

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