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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.18086 of 2023

and

W.M.P(MD)Nos.15094, 15096 & 15097 of 2023

1. Kasilingam

2. V.Dhanapal

... Petitioners

vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
No. 119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai 600 034

2. The Joint Commissioner,
Joint Commissioner Office,
Hindu Religious and Charitable Endowment Department,
Thoothukudi

3. The Assistant Commissioner,
Assistant Commissioner Office,
Hindu Religious and Charitable Endowment Department,
Thoothukudi.



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4. The Fit Person,
Arulmigu Devi Sri Puliyadi Mariamman Temple,
Sathankulam,
Thoothukudi.

5. K.S.Maheswaran

6. S.Senthilkumar

7. V.S.Murugesan

8. D.Shankar

9. R.Kumarakurubaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records and quash the impugned proceedings pending before the 2nd respondent in O.A.No.20 of 2023, dated 16.06.2023 and directing the 2nd respondent to take a necessary action on the petitioners objections, dated 15.07.2023 and directing the 4th respondent to take the movable and immovable assets of the temple including the management of Sri Puliyadi Marriamman Temple School, under his custody as per the existing Rules.

For Petitioners : Mr.N.Soundara Rajan

For R-1 to R-4 : Mr.S.P.Maharajan
Special Government Pleader

For R-5 to R-9 : Mr.J.Parekh Kumar



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ORDER

This writ petition is filed to quash the impugned proceedings, which is pending before the 2nd respondent in O.A.No.20 of 2023, dated 16.06.2023 and direct the 4th respondent to take moveable and immovable assets of the temple including the management of Sri Puliyadi Marriamman Temple School, under their custody, as per the Rules.

2. Heard Mr.N.Soundara Rajan, the Learned Counsel appearing for the petitioners, Mr.S.P.Maharajan, the Learned Special Government Pleader appearing for the respondents 1 to 4, Mr.J.Parekh Kumar, the Learned Counsel appearing for the respondents 5 to 9 and perused the material documents placed on record.

3. The petitioners are belonging to the same village and they are paying 'தலைக்கட்டு வரி'. The respondents 5 to 9 are also belonging to the same village and they also paying 'தலைக்கட்டு வரி'. The temple was constructed by the



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people who are migrated from other places to Santhankulam shall not have any rights to manage the temple and they are not entitled to pay tax to the temple and has imposed certain conditions to manage the temple.

5. The contention of the petitioner is that the respondents 5 to 9 without impleading the said 450 persons who belong to the said Hindu Nadar community had filed petition to frame the scheme. Even they are not seeking any objections from the petitioners or from the other persons. The said contention was refuted by the respondents 4 to 9 and submitted that all the proceedings are intimated to the petitioners through WhatsApp. Except the petitioners, the other persons belonging the community are not complaining. But the petitioners submits that the respondents have not issued any written notice to the 450 persons or affixed any notice in the temple. If such notice is issued or affixed, the interested people would participate in the enquiry proceedings before the Joint Commissioner.



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6. It is seen that the petitioner had already filed an impleading petition before the Joint Commissioner. Therefore, the Joint Commissioner is directed to allow the impleading petition filed by the petitioners and the petitioners are also directed to submit written objections to the Joint Commissioner. The Joint Commissioner shall grant sufficient opportunity to the petitioners as well as respondents 5 to 9 and also to persons who are interested in the said proceedings under Section 64 of Hindu Religious & Charitable Endowments Act, thereafter, pass an order. The said exercise shall be completed within a period of One Year.

7. With these terms, this Writ Petition is closed. No Costs.
Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
NCC : Yes / No
Ksa

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