



WP(MD)No.18938 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.18938 of 2023
and
WMP(MD)No.15744 of 2023

R.Karuppasamy

.. Petitioner

v.

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
B1 Road, Ellis Nagar,
Madurai – 625 016,
Madurai District.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
No.18, Nachi Street,
Virudhunagar – 626 001,
Virudhunagar District.
- 3.The Executive Officer,
Arulmigu Viswanathasamy Temple,
Sivakasi,
Sivakasi Taluk,
Virudhunagar District.
- 4.R.Ramaraj



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5.M.Chinnadurai

6.S.Venkatraju

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari to call for the records relating to the impugned order passed by the second respondent in Se.Mu.Na.Ka.No. 41/2017/Aa3 dated 27.07.2023 and the consequential impugned order passed by the third respondent dated 28.07.2023.

For Petitioner : Mr.C.Guhaseelarupan

For Respondents : Mr.Veera Kathiravan,
Additional Advocate General

Assisted by
Mr.P.Subburaj,
Special Government Pleader
for R.1, R.2

Mr.K.Govindarajan
for R.3

Mr.Porkodi Karnan
for R.5



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ORDER

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The petitioner is the Secretary of Arulmigu Shri Mariamman Temple situated at Thiruthangal Village, Sivakasi Taluk, Virudhunagar District. He has filed this writ petition challenging the order of the second respondent / Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Virudhunagar, dated 27.07.2023 and the consequential order passed by the third respondent / Executive Officer of Arulmigu Viswanathasamy Temple, Sivakasi, dated 28.07.2023.

2.The orders impugned in this writ petition are passed pursuant to the orders of the first respondent / Joint Commissioner, Hindu Religious and Charitable Endowments Department, Madurai, dated 31.05.2023. By the said order, the first respondent / Joint Commissioner has issued directions to the second respondent / Assistant Commissioner to take steps to bring the Arulmigu Shri Mariamman Temple under the control of the Hindu Religious and Charitable Endowments Department and to appoint a Fit Person to the Temple. Accordingly, the second respondent / Assistant Commissioner, by order dated 27.07.2023, appointed the third respondent /



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Executive Officer as the Fit Person to the Temple u/s.49(1) of the Hindu Religious and Charitable Endowments Act (hereinafter referred to as 'the Act'). Pursuant to this order, the third respondent / Executive Officer of Arulmigu Viswanathasamy Temple has issued a communication to this petitioner dated 28.07.2023 directing him to hand over the charge of the subject Temple on or before 03.08.2023.

3.This Court, while entertaining the writ petition, has passed an interim order on 04.08.2023, permitting the petitioner to file an appeal before the Commissioner, Hindu Religious and Charitable Endowments Department, within a period of four weeks. The Commissioner was also directed to dispose of the appeal within a period of one year. This Court has also appointed a three members' committee for the administration of the Temple, with a representation from the petitioner's side, the third respondent / Fit Person and an Advocate Commissioner, by name, Muruga Prabhu, from Thiruthangal. This Committee was directed to manage the Temple administration till the final orders are passed by the Commissioner. The Committee was also directed to submit periodical reports and



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accordingly, an interim report dated 16.08.2023 of the Committee was filed before this Court.

4.As against the orders impugned in this writ petition and the order passed by the Joint Commissioner, the petitioner is having a remedy before the Commissioner, Hindu Religious and Charitable Endowments Department, u/s.21 of the Act. The petitioner has taken a ground that the order of the Joint Commissioner dated 31.05.2023 was served on him only on 24.07.2023 by ordinary post. As per Section 21 of the Act, the petitioner has to prefer the revision petition before the Commissioner within a period of 60 days from the date of order passed by the Joint Commissioner. The petitioner's grievance is that without providing the statutory period enabling him to prefer the revision petition, the consequential orders dated 27.07.2023 and 28.07.2023 were passed. It appears that the Joint Commissioner has passed the order dated 31.05.2023 pursuant to the directions of this Court in WA(MD)Nos.589, 686 of 2019, dated 28.11.2022. Pursuant to the interim order of this Court dated 04.08.2023 passed in this writ petition, the petitioner has now filed the



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revision petition before the Commissioner, Hindu Religious and Charitable Endowments Department and the same was taken on file in R.P.No.392 of 2023. The revision petition was posted for hearing on 15.11.2023 and the notice issued by the Commissioner in the revision petition is also placed before this Court.

5.The petitioner and the respondents have raised allegations and counter allegations as against each other. Pursuant to the order of the first respondent / Joint Commissioner, the respondents 2 & 3 have passed the consequential orders. Since the petitioner has now challenged the order passed by the first respondent / Joint Commissioner dated 31.05.2023 before the Commissioner u/s.21 of the Act and the same is posted for hearing, this Court, without discussing about the allegations made on either side, dispose of this writ petition in the following terms:-

- i) The petitioner shall work out his remedy in the revision petition filed by him before the Commissioner, Hindu Religious and Charitable Endowments Department, in R.P.No.392 of 2023.
- ii) The Commissioner, Hindu Religious and Charitable



Endowments Department, Chennai, is directed to conclude the proceedings in R.P.No.392 of 2023, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

iii) The third respondent / Fit Person shall take over the management of the Temple from the Committee constituted by this Court by order dated 04.08.2023. The third respondent shall administer the Temple till the orders passed by the Commissioner in R.P.No.392 of 2023.

iv) The Hundial in the Temple is to be restored and the accounts have to be maintained properly. CCTV cameras have to be fixed to monitor the affairs of the Temple and the counting of Hundial collections.

v) The third respondent / Fit Person is expected to administer the Temple and its properties with great care and caution. The respondents 1 & 2 shall monitor the functioning of the third respondent.

vi) The accounts opened by the Committee as per the earlier order of this Court shall be transferred in the name of the Temple.

vii) For any other relief, pending the revision petition, the parties shall move the Commissioner, Hindu Religious and Charitable Endowments Department, by filing appropriate petitions.



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There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

10.10.2023

Note:

Mark a copy of this order to
The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.

To

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
B1 Road, Ellis Nagar,
Madurai – 625 016,
Madurai District.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
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B.PUGALENDHI, J.

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