



W.P(MD)No.21091 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.21091 of 2014

N. Ramachandran

... Petitioner

Vs

1.The Secretary to Government,
Tamil Development, Culture, Tourism,
Hindu Religious and Charitable Endowment,
Secretariat, Chennai - 9.

2.The Commissioner,
HR & CE,
Nungambakkam High Road,
Chennai - 34.

3.The Executive Officer,,
A/m. Santhanagopalakrishnasamy Temple,
Malluga Jetty Street, Kumbakonam.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Certiorarified Mandamus, calling for the records of the 1st respondent passed in G.O. Ms. No. 231 (Tourism, Culture and Endowments (A.Ni.3-2 Department) dated 18.09.2014 confirming the order passed by the 2nd



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Respondent in Na.Ka.No.74058/N2/ dated 28.04.2009 quash the same as illegal, arbitrary and unenforceable consequently direct the Executive Officer to hand over charge of the temple to the Trustee.

For Petitioner : Mr.K.Navaneetha Raja
For R1 & R2 : Mr.P.Subba Raj
Special Government Pleader
For R3 : Mr.V.Chandrasekar

ORDER

This writ petition was filed as against the order passed by the first respondent in G.O. Ms. No. 231 (Tourism, Culture and Endowments (A.Ni.3-2 Department) dated 18.09.2014.

2.The issue in this writ petition is pertaining to the administration of Arulmighu Santhanagopalakrishnasamy Temple, Malluga Jetty Street, Kumbakonam.

3.The case of the petitioner is that Arulmighu Santhanagopalakrishnasamy Temple situated at Malluga Jetty Street, Kumbakonam, Thanjavur District was founded by the ancestors of the petitioner and other persons hailing from Jetty community. They



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are from the State of Karnataka. Their avocation was wrestling and they were part of the then Karnataka Kings Army. When there was a large scale theft and hooliganism prevailing in the District of Thanjavur and at the request of the then rulers to protect their subject, they were sent by Karnataka Kings. The Jettiars who came from Karnataka settled permanently in the District and they did service to the then rulers of Thanjavur and public. For their spiritual salvation and for their uplift of community, they founded the above temple. The temple founded was denominational and it belongs to their community alone and they are performing unique poojas in the temple. In order to regularise the administration of the temple, a suit in O.S.No.4 of 1916 was filed by the community persons with the permission of the Advocate General as required under Section 92 of Civil Procedure Code before the Sub Court, Kumbakonam for framing of a scheme. On 27.08.1917 a scheme was framed and the denominational nature of the temple was accepted. While so, the second respondent/the Commissioner of HR & CE Department has appointed an Executive officer/the third respondent herein on



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24.09.1998 to administer the above temple on the ground that there was maladministration in the temple. The order dated 24.09.1998 has not been challenged by the petitioner. However, the community people has raised this issue before the first respondent by way of a representation and the same was directed to be considered by this Court in WP No.9878 of 2007, based on which, the present impugned order in G.O. Ms. No. 231 (Tourism, Culture and Endowments (A.Ni.3-2 Department) dated 18.09.2014 has been passed by the first respondent. Therefore, the petitioner on behalf of the community people, who is said to have right to administer the temple has filed this writ petition challenging the order of the Commissioner, HR & CE Department and the Government Order issued by the Secretary, Tamil Development, Culture, Tourism, Hindu Religious and Charitable Endowment, Chennai.

4.The learned counsel appearing for the petitioner submits that Arulmighu Santhanagopalakrishnasamy Temple, Malluga Jetty Street, Kumbakonam is a private temple established



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by the Malluga Jetty community people and a scheme has also been framed in O.S.No.4 of 1916 by a civil Court. The temple has been administered as per the Scheme framed in the year 1917. While so, without issuing any notice to the trustees of the temple, the second respondent has appointed the Executive officer. The then Trustee, without having any knowledge about the dispute and the order passed by the first respondent has failed to follow up with the case. Therefore, the subsequent representations are appealed to the first respondent/the Secretary to reconsider the orders impugned in this writ petition. The learned counsel has relied on the another suit in O.S.No.769 of 1993 filed by the petitioners as against the HR & CE Department for the relief of declaration to declare that this temple is a denominational temple and for injunction. According to the learned counsel, though the suit was dismissed, the first appeal preferred by the petitioner in A.S.No.44 of 2003 was decreed in favour of the petitioner and the temple was declared as denominational temple and an order of injunction was also granted as against the HR & CE Department. Challenging the Judgment and



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decree passed in A.S.No.44 of 2003, the Department has preferred a second appeal and the same is still pending.

5.In view of the foregoing reasons, this writ petition is disposed of with a direction to the Commissioner/second respondent to prepare a voter list of the community and conduct an election in a fair and proper manner and also as per the scheme framed by the civil Court in O.S.No.4 of 1916, dated 27.08.1917 and hand over the administration of the temple to the newly elected members. It is made clear that this direction issued to the Commissioner/second respondent is an interim arrangement and the petitioner shall work out his remedy in the civil proceedings which is pending before this Court. No costs.

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NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn



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Order made in
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