



CMP(MD) No.10431 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twenty Third day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

and

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CMP(MD) No.10431 of 2023

in

CMP(MD) No.8324 of 2023

in

WA(MD) No.1090 of 2023

C.MUTHUGANESH

... PETITIONER/1ST RESPONDENT

Vs

1 S.P. CHANDRAN

... 1ST RESPONDENT/ APPELLANT

2 THE COMMISSIONER
TAMIL NADU HINDU RELIGIOUS AND
CHARITABLE ENDOWMENT DEPARTMENT,
NUNGAMBAKKAM, CHENNAI.

3 THE JOINT COMMISSIONER
TAMIL NADU HINDU RELIGIOUS AND
CHARITABLE DEPARTMENT,
SIVAGANGAI DISTRICT.

4 THE FIT PERSON/INSPECTOR
MANAMADURAI,
SIVAGANGAI DISTRICT.

... 2 TO 4 RESPONDENTS/2 TO 4 RESPONDENTS



CMP(MD) No.10431 of 2023

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to vacate the order of interim stay dated 02-08-2023 made in W.A.(MD).No.1090 of 2023.

CMP(MD). 1090/ 2023:

S.P. CHANDRAN CHETTIAR

... PETITIONER/ APPELLANT

- VS. -

1. C. MUTHUGANESH

2. THE COMMISSIONER
TAMIL NADU HINDU RELIGIOUS AND CHARITABLE
ENDOWMENT DEPARTMENT,
NUNGAMBAKKAM, CHENNAI.

3. THE JOINT COMMISSIONER
TAMIL NADU HINDU RELIGIOUS AND CHARITABLE DEPARTMENT,
SIVAGANGAI DISTRICT.

4. THE FIT PERSON/INSPECTOR,
MANAMADURAI,
SIVAGANGAI DISTRICT

... RESPONDENTS/RESPONDENTS

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an order of interim stay to the operation of the order dated 19.06.2023 passed in WP (MD).No.14146 of 2023 till the pending disposal of the present writ appeal.

Prayer in WA(MD). 1090/ 2023 :

Writ appeal filed under clause 15 of letters patent, to set aside the order dated 19.06.2023 passed in WP(MD) No.14146 of 2023 on the file of this Honourable Court passed by the Hon`ble Single Judge by allowing this Writ Appeal before this Hon`ble Court.



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Prayer in WP(MD). 14146/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the 2nd respondent dated 05.06.2023 in proceedings Se.Mu.Na.Ka. No.1065/2022/AA1, quash the same, as the same is arbitrary, ultravires, in excess of powers, in colorable exercise of power.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.T.LAJAPATHI ROY, Senior Advocate for M/S.R.G.SHANKAR GANESH, Advocate for the petitioner in CMP(MD).10431/2023 and for the 1st Respondent in CMP(MD).8324/2023 and MR.J.SENTHIL KUMARIAH, Advcate for the 1st Respondent in CMP(MD).10431/2023 and for the petitioner in CMP(MD).8324/2023 and MR.S.P.MAHARAJAN, Special Government Pleader on behalf of the Respondent Nos.2 to 4 in both CMP's, the court made the following order:-

[Order of the Court was made by S.S.SUNDAR, J.]

As against the order dated 02.08.2023, granting interim stay of the order of the learned Single Judge to the effect that no Thirupani should be performed, this Civil Miscellaneous Petition is filed.

2. While granting stay on the request of the appellant, this Court observed that the persons, who are acting as Trustees should also handover the key of the Temple to perform Kumbabishegam without any hindrance.

3. The petitioner herein raised an objection that the appellant cannot have a role in the administration of the Temple or in the performance of Kumbabishegam, in terms of the order passed by this Court dated 02.08.2023, by which, the official respondents were directed to proceed with the Kumbabishegam as planned, without intervention of any one. This Court has already observed that no individual has any



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role regarding the performance of Kumbabishegam. In such circumstances, the Kumbabishegam as proposed to be performed under the supervision of the Joint Commissioner, H.R. & C.E. cannot be stalled.

4. Learned Senior Counsel appearing for the petitioner by relying upon Rules 13 and 30 of Rules called Management and Preservation of Properties of Religious Institutions Rules submitted that every work or repair in the Temple should be done after getting the plans and estimates approved by the competent authority and that the construction and repair of Gopuram etc., should be entrusted to the stapathis who alone shall do it as per the Agamas of any Temple.

5. As per the Rules cited by the learned Senior Counsel appearing for the petitioner, whenever a renovation work or construction work exceeds a sum of Rs.50 Lakhs with reference to the listed Temples and Rs.5 Lakhs in relation to any other Temple, the competent authority alone has to prepare a plan and estimate and execute the work. In the present case, the direction of this Court dated 02.08.2023 is regarding performance of Kumbabishegam in a Temple, which is organized by the department itself in terms of the Rules.

6. Learned Special Government Pleader appearing for the respondents 2 to 4 would submit that the petitioner has not handedover the key in respect of certain rooms. However, the learned Senior Counsel appearing for the petitioner has



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informed this Court that the petitioner is not having the keys and the same has been informed to the Temple Management. In such circumstances, the person who has now been appointed as Fit Person either on his own or in the presence of the Joint Commissioner shall break open the lock and key, if necessary and do all that is required.

7. In view of the same, petition to vacate the interim stay dated 02.08.2023 is dismissed. However, the third respondent – Joint Commissioner is directed to ensure that all the Thirupani works are completed well in advance before the Kumbabishegam and the Kumbabishegam shall be performed as expeditiously as possible without affecting the religious sentiments of persons interested.

sd/-
23/08/2023

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/08/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sj

TO

1 THE COMMISSIONER
TAMIL NADU HINDU RELIGIOUS AND
CHARITABLE ENDOWMENT DEPARTMENT,
NUNGAMBAKKAM, CHENNAI.



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2 THE JOINT COMMISSIONER
TAMIL NADU HINDU RELIGIOUS AND
CHARITABLE DEPARTMENT,
SIVAGANGAI DISTRICT.

3 THE FIT PERSON/INSPECTOR
MANAMADURAI,
SIVAGANGAI DISTRICT.

+1 CC to M/s.I.ABRAR MD ABDULLAH, Advocate (SR-12745[I] dated 24/08/2023)

ORDER IN
CMP(MD) No.10431 of 2023
in CMP(MD) No.8324 of 2023
in WA(MD) No.1090 of 2023
Date :23/08/2023

RS/JGB/SAR-(30.08.2023) 6P 5C
Madurai Bench of Madras High Court is issuing
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