



W.P. (MD) No. 22957 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 22957 of 2022

P.Ramasamy Konar

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai-34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Millerpuram, Thoothukudi District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Azhagesapuram Main Road,
Thoothukudi.
- 4.The Executive Officer,
Sri Arulmigu Karkkuvel Ayyanar Thirukovil,
Theri Kudiyiruppu,
Kuthiraimozhi Village,
Kayamozhi Post,
Tiruchendur Taluk,
Thoothukudi District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the respondents to restore the Samuthaya Koodam which was constructed by the Petitioner in the fourth respondent temple with the permission of the first and second respondents dated 29.12.2004 and 08.02.2005 based on the petitioner's representation dated 26.08.2022.

For Petitioner	: Mr. C.Vakeeswaran
For R1 to R3	: Mr. P.Subbaraj Special Government Pleader
For R4	: Mr. M.Muthugeethayan

ORDER

The Writ Petition has been filed for directing the Respondents to restore the Samuthaya Koodam, which was constructed by the Petitioner in the Fourth Respondent temple with the permission of the First and Second Respondents dated 29.12.2004 and 08.02.2005 based on the Petitioner's representation dated 26.08.2022.

2. Having due regard to nature of grievance ventilated by the Petitioner, it is represented that the Petitioner and Fourth Respondent have entered into an



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understanding, in respect of which a joint memo dated 14.02.2023 has been filed, which is extracted below:-

“2. It is respectfully submitted that the 4th respondent herein has filed a Rough Sketch before this Hon'ble Court on 13.02.2023 stating about the details of the buildings constructed in an around the 4th respondent temple. Outside the proposed compound wall, the buildings were constructed by the 4th respondent temple namely, Kalaiyarangam, toilet for both men and women, Annathana Koodam, Old Annathana Koodam and also 35 rooms. The above said rough sketch may be form part of this joint memo. The writ petitioner who representing Maruthakulam Village people agreed for allotment of land having an total extent of 600 square feet, behind the Room numbers 25 and 29 and the 4th respondent also accept the same to allot the above said land to the Maruthakulam Village people. It is further respectfully submitted that the above said joint memo filed before this Hon'ble Court as per the instructions given by the writ petitioner as well as the 4th respondent herein.

Therefore it is prayed that this Hon'ble Court may be pleased to accept the joint memo filed by the writ petitioner as well as the 4th respondent and pass suitable orders in the above said writ petition filed in W.P. (MD) No.22957 of 2022 and thus render justice.”



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The joint memo dated 14.02.2023 along with the sketch map showing the details of land for the proposed construction to be constructed by the Petitioner shall form part and parcel of this order. It shall be ensured that any building is constructed only after getting prior planning approval from the concerned authorities in the name of the Temple of the Fourth Respondent.

3. In view of the understanding reached between the parties, the Writ Petition is disposed on the aforesaid terms. No costs.

14.02.2023

NCC : Yes/No

Index : Yes/No

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Note:- Issue order copy by 22.02.2023.

To

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Millerpuram, Thoothukudi District.

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3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Azhagesapuram Main Road,
Thoothukudi.

4. The Executive Officer,
Sri Arulmigu Karkkuvel Ayyanar Thirukovil,
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P.D.AUDIKESAVALU,J.

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14.02.2023