



W.P.(MD).No.21930 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.21930 of 2023
and
W.M.P.(MD).No.18293 of 2023**

N.Vadivel

... Petitioner

Vs.

1.The Commissioner,
Department of Hindu Religious and
Charitable Endowments Trust,
Uthamar Gandhi Salai,
Nungampakkam, Chennai.

2.The Inspector,
Department of Hindu Religious and
Charitable Endowments Trust,
Arulmigu Kadambar Temple,
Kulithalai, Karur.

3.The Assistant Commissioner,
Department of Hindu Religious and
Charitable Endowments Trust,
Karur.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notification of the third respondent in No.2225-353/2023/A1 dated 05.07.2023 and quash the same and consequentially direct the respondents to hold due enquiry regarding the nature of Shri Bagavathy Amman Temple, Thelungapatti and pass appropriate orders to declare the temple as denominational temple.

For Petitioner : Mr.K.Porkodi,
For M/s. Polax Legal Solutions

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader.

ORDER

This Writ Petition is filed to quash the impugned notification dated 05.07.2023 with a consequential direction to the respondents to hold due enquiry regarding the nature of Shri Bagavathy Amman Temple, Thelungapatti and pass appropriate orders to declare the temple as denominational temple.

2. Through the impugned notification, the respondents have appointed Non- Hereditary Trustee to Shri Bagavathy Amman Temple, Thelungapatti.



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3. The contention of the petitioner is that the temple in question was constructed by the petitioner's ancestors because it belongs to the community people, consisting of 1500 families in and around the Telungapatti Village. It is a family deity of the said community people. Without issuing any notice, the respondents have appointed a Non – Hereditary Trustee. In fact, the petitioner and some of the community people have filed a suit in O.S.No. 6 of 2013, on the file of the District Munsif Court, Kulithalai, to recognize their rights. However, they have chosen the wrong forum, they ought to have filed a petition before the Joint Commissioner of HR & CE Department to recognize their rights.

4. Therefore, the petitioner is directed to file a petition under section 63 of HR & CE Act. Until, the said section 63 petition is decided, the respondents shall not appoint any Non-Hereditary Trustee. The said petition shall be filed within a period of two (2) weeks from the date of receipt of a copy of this order. Thereafter, the respondents shall consider the same and pass orders within a period of four (4) weeks therefrom.



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5. In view of the above, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.09.2023

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

Sml/Nsr

To

- 1.The Commissioner,
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S.SRIMATHY, J.

Sml/Nsr

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