



W.P.(MD).No.22846 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.22846 of 2023

and

W.M.P.(MD)No.19073 of 2023

1.S.P.Thangarajan
2.V.Muthuramalingam
3.P.Periyannan
4.P.Ponniah Kone

... Petitioners

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorari***, to call for the records of the 2nd respondent in Na.Ka.No.3372/2023/E2, dated 10.07.2023, in respect of First Respect of Arulmigu Nevilinatha Ayyanar Temple, Arulmigu Uchaini



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Mahakaliyamman Temple, Arulmigu Malayandiswamy Temple and Arulmigu Sri Vinayagar Temple, E.Malampatty, Melur Taluk, Madurai District.

For Petitioners : Mr.S.Manohar
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition is filed for issuance of a writ of ***Certiorari***, to quash the impugned order dated 10.07.2023 passed by the 2nd respondent, in respect of First Respect of Arulmigu Nevilinatha Ayyanar Temple, Arulmigu Uchaini Mahakaliyamman Temple, Arulmigu Malayandiswamy Temple and Arulmigu Sri Vinayagar Temple, E.Malampatty, Melur Taluk, Madurai District.

2. The contention of the petitioners is that earlier one C.Manickam and three others had filed a writ petition in W.P.(MD)No.6302 of 2023 and this Court, vide order, dated 23.03.2023, directed the petitioners to submit representation and the respondents are directed to consider and pass orders and the relevant portion is extracted hereunder:



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“4. There are four temples at that particular village namely, 1) Sri Neyvelinatha Ayyanar Kovil, 2) Sri Ujjini Magali Amman Kovil, 3) Malaiyandi Samy Thirukovil and 4) Sri Vinayagar Kovil. Among the four temples, Sri Neyvelinatha Ayyanar Kovil is a temple under the control of the Hindu Religious and Charitable Endowment Department, Madurai. The petitioner had given a representation on 19.12.2022, wherein, he had stated that Mudhal Mariyadhais are to be given without community as the basis and to consider the representation of all the people in the said village.

5. The petitioners are directed to give a fresh representation to the second respondent / Joint Commissioner, Hindu Religious and Charitable Endowment Department, Madurai District, who may also get an opinion from the Assistant Commissioner, Hindu Religious and Charitable Endowment Department, Melur Taluk, Madurai District and examine the issue of Mudhal Mariyadhais in the aforementioned four temples and issue notice not only to the petitioners but also to the respondents 7 and 8 in the writ petition namely, Selvam, son of Sethu Thevar, No.15/1, Rajaji Salai, Senthil Nagar, Thirumullaivayil, Chennai - 600 062 and V.Muthuramalingam, son of Vellakaruppan, E-Malampatti Village, Melur Taluk, Madurai District - 625 102 and in the presence of all the parties, come to a judicious decision in accordance with the provision under Section 63(E) of the Hindu Religious and Charitable Endowments Act, 1959.



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6. The said provision is with respect to the nature in which, festivals are to be conducted in a temple and maintenance of the existing conventions to be followed in the conducting of festivals in any temple. Even though, three of the temples are not, according to the petitioner, under the control of the Hindu Religious and Charitable Endowment Department, still the Joint Commissioner may examine the said issue even with respect to the said three temples.

7. The petitioners are directed to give a representation on or before 31.03.2023 and a decision is to be taken within a period of Sixteen (16) weeks by the Joint Commissioner, Hindu Religious and Charitable Endowment Department, Madurai District. No further orders are required.”

3. The contention of the petitioners is that in spite of specific direction to give opportunity to all the claimants in the issue, the respondents have not heard the petitioners before passing the order.

4. The learned Counsel appearing for the petitioners submitted that they would file a fresh petition tomorrow under Section 63(e) claiming their



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rights.

5. Therefore, the petitioners are at liberty to file the same within a period of one week from the date of receipt of a copy of this order. The respondents shall hear the petitioners as well as the rival claimants. This Court deliberately is not stating the names of the rival claimants because there are so many rival claimants as per the petitioners. Therefore, the respondents shall call for written objections from all the parties and then conduct enquiry as per law. The impugned order is kept in abeyance. The said exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

6. With the above said observation, the writ petition is allowed in above terms. No costs. Consequently, connected miscellaneous petition is closed.

20.09.2023
(3/3)

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

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Hindu Religious and Charitable
Endowment Department,
Chennai.
- 2.The Joint Commissioner,
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S.SRIMATHY, J.

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