



W.P(MD)No.9097 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.9097 of 2016

R.Rajasekaran

... Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable
Endowment (Admn.) Department,
Nungambakkam,
Chennai-600 034.

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

3.The Thakkar/Executive Officer,
A/m. Muthalamman Temple,
Vilampatti,
Nilakkottai Taluk,
Dindigul District
Office of Kamatchiamman Kovil,
Devadanapatti, Periyakulam Taluk,
Theni.

4. Tmt.Thiriburasundari

...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 Mandamus directing the 2nd respondent herein to consider and dispose of the representation of the petitioner dated 20.04.2016 on merits and in accordance with law within a reasonable time as may be fixed by this Court.

For Petitioner	: No appearance
For R1 & R2	: Mr.P.Subba Raj Special Government Pleader
For R3	: Mr.M.Muthu Geethayan
For R4	: Mr.N.Dilip Kumar

ORDER

The petitioner, a devotee of Arulmigu Muthalamman Temple, Nilakottai, Dindigul District has approached this Court with a grievance that a sum of Rs.98,000/- paid by him for the purpose of conducting temple festival has not been utilized for that purpose. Therefore, he has filed this writ petition for a Mandamus directing the Joint Commissioner/the second respondent herein to consider the representation of the petitioner, dated 20.04.2016.



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2. When this writ petition was taken up for hearing on 06.10.2023, at request of the learned counsel appearing for the petitioner, it was adjourned and thereafter there was no representation for the petitioner. Therefore, this writ petition was listed under the caption for dismissal today. Even today, there is no representation for the petitioner. Since this writ petition is pending from the year 2016, this Court disposes of this writ petition with the available materials.

3.This Court perused the affidavit filed in support of this writ petition and also the counter affidavit filed by the official respondents.

4.The case of the petitioner is that he has paid a sum of Rs.98,000/- to the fourth respondent /Trustee of Arulmigu Muthalamman Temple, Nilakottai, Dindigul District for conducting festival in the year 2015. According to the petitioner, the fourth



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respondent has not utilized the amount, for the purpose for which, the amount has been paid by him has submitted a representation on 20.04.2016 and the same was not considered by the Department.

5.The second respondent/Joint Commissioner has filed a counter affidavit stating that the HR & CE Department officials are not aware of the alleged payment of Rs.98,000/- made by the petitioner to the fourth respondent. They have also taken a stand that if any amount has been paid by this petitioner to the fourth respondent, it is the private dispute between them and the petitioner has to work out the issue separately. It is further stated that even during the festival and even thereafter, there was no complaint whatsoever from the petitioner with regard to this issue and the representation was made only in the month of April 2016.

6.The learned counsel appearing for the fourth respondent submits that the fourth respondent is the hereditary trustee of Arulmigu Muthalamman Temple, which is an ancient



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temple situated at Nilakottai, Dindigul District. The mother of the fourth respondent has already filed a civil suit in O.S.No.13 of 2007 before the District Court, Dindigul to declare her as a hereditary trustee of the temple and the same was decreed in her favour. Based on which, a writ petition was filed in WP(MD) No.10937 of 2008 and thereafter the mother of the fourth respondent was recognized as a hereditary trustee of the temple. After her demise in the year 2015, the fourth respondent was recognized as a hereditary trustee with effect from 06.02.2016. The husband of the fourth respondent has filed a writ petition questioning the appointment of the fourth respondent as a hereditary trustee and that was also dismissed on 13.04.2016 in WP(MD) No.7218 of 2016. Appeal preferred by the husband of the fourth respondent was also dismissed by this Court in WA(MD) No.862 of 2016 on 14.06.2016. Thereafter, the fourth respondent is serving as a hereditary trustee of the above temple for the past seven years.



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7.The learned counsel further submits that every year Panguni festival would be conducted and in fact, during the festival in the year 2007, there was some law and order problem, wherein, the fourth respondent and the HR & CE Department officials were attacked by the petitioner and a group of people. The petitioner is an accused in Crime Nos.58,59,60,61,62 of 2007 and charge sheets have also been laid by the concerned police in those cases and the same is pending before the District Sessions Court, Dindigul in SC Nos.77, 78, 79 and 246 of 2008 and 76 of 2010. The petitioner is arrayed as accused No.25 in SC No.246 of 2008. He further submits that subsequent to the orders of this Court in WP(MD) No.1263 of 2007 and WA(MD) No. 28 of 2011, festivals were stopped from the year 2007 to 2013. However, on the supervision of the HR & CE Department, the festivals are being conducted in the temple at present. According to the learned counsel, the fourth respondent as a single lady is facing difficulty from the petitioner and others. The petitioner and others are attempting to take over the administration of the temple.



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8.This Court considered the submissions made by the learned counsel for the fourth respondent.

9.The case of the petitioner is that the amount paid by him for conducting the temple festival has not been utilized for the temple festival. The official respondents have taken a stand that the payment made by the petitioner is not within the knowledge of any of the officials of the HR & CE Department. The issue has not been brought to their knowledge during the festival and even after the festival. The representation was made by the petitioner only in the month of April 2016. From the submissions of the learned counsel for the fourth respondent, it is revealed that the petitioner and the fourth respondent are having some rivalry. More over, the petitioner is not contesting the case. This writ petition is pending from the year 2016.



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10.In view of the above, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. No costs.

22.11.2023

NCC :Yes/No

Index :Yes/No

Internet:Yes

vrn

To

1.The Commissioner,
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2.The Joint Commissioner,
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B.PUGALENDHI, J.

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