



W.P(MD)No.26025 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.26025 of 2023

Maharaja.G

Petitioner

Vs

1.The District Collector,
Collector Office,
Korampallam,
Thoothukudi.

2.The Commissioner,
Commissioner Office,
HR & CE Department,
119, Uthamar Gandhi Saalai,
Nungambakkam,
Chennai-34.

3.The Joint Commissioner,
Joint Commissioner Office,
HR & CE Department,
Thoothukudi.

4.The Assistant Commissioner,
Assistant Commissioner Office,
HR & CE Department,
Alagesapuram Main Road,
Thoothukudi.

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 Respondents to consider the petitioner's representation dated 12.03.2023 and further direct the fourth respondent to allow the Arulmigu Kulakkarai Sudalaimadan Thirukovil which is in Aathiyakurichi Village, Thiruchendur Taluk, Thoothukudi District to act as a private temple as it is a private temple.

For Petitioner	: Mr.V.Rajiv Rupus
For Respondents	: Mr.P.Subba Raj Special Government Pleader

ORDER

This writ petition is filed for a Mandamus to direct the fourth respondent to allow the Arulmigu Kulakkarai Sudalaimadan Thirukovil, Aathiyakurichi Village, Thiruchendur Taluk, Thoothukudi District to act as a private temple by considering the petitioner's representation dated 12.03.2023.

2.The learned counsel appearing for the petitioner submits that the above mentioned temple has been established by the



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petitioner's ancestors long ago in the land belongs to Mohammedan family. Considering the request of the petitioner's ancestors, the Mohammedan family were kind enough to donate the land for establishment of this temple. Till date the patta for the subject land stands in the name of the Mohammedan family/Raguma Beevi. The petitioner and other family members alone are worshipping the temple. However, the HR & CE Department is now interfering with the affairs of the Temple. Therefore, the petitioner has submitted a representation to declare the petitioner's temple as a private temple and also filed this writ petition for a Mandamus to direct the fourth respondent to allow the temple to act as a private temple by considering his representation dated 12.03.2023.

3.Mr.P.Subba Raj, learned Special Government Pleader who takes notice for the respondents has produced a written instruction in Na.Ka.No.87/2023, dated 30.10.2023, which he has received from the Inspector, HR & CE Department, Sathankulam stating that this temple is having characters of public temple and



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therefore it has been declared as a public temple under Section 6(20) of HR & CE Act,1959 long back. The learned Special Government Pleader has also pointed out that the temple is enlisted and it has been provided with Integrated Temple Management System (ITMS) Number.41581.

4.Considering the written instructions produced by the learned Special Government Pleader, this Court is not inclined to grant any Mandamus as prayed for in this writ petition. Accordingly, this writ petition is dismissed. However, a liberty is granted to the petitioner to establish his case in the manner known to law.

31.10.2023

NCC: Yes/No

Index: Yes/No

Internet: Yes

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B.PUGALENDHI, J.

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