



W.P(MD)No.1616 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.1616 of 2012 and
MP(MD) No.1 of 2012

B.S.Shanmuga Sundara Gurukkal
The Hereditary Trustee,
Sri Visalatchi Visweswar Temple,
Vatthalagundu,
Nilakkottai Taluk,
Dindigul District.

... Petitioner

Vs

1.The Commissioner,
O/o The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai – 34.

2.The Joint Commissioner,
O/o, The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai – 1.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from interfering in matters of administration, affairs



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and maintenance of the petitioner temple as exempted Under Section 4 of the HR & CE Act.

For Petitioner : Mr.K.K.Kannan
For Respondents : Mr.P.Subba Raj
Special Government Pleader

ORDER

The petitioner is a hereditary trustee of Sri Visalatchi Visweswar Temple, Vatthalagundu, Nilakkottai Taluk, Dindigul District and he has filed this writ petition in the year 2012 for a Mandamus, forbearing the respondents from interfering with the administration and maintenance of the above Temple that this temple is exempted under Section 4 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

2.This writ petition was filed pursuant to the notice issued by the Joint Commissioner in Na.Ka.No.383/2012/A3 dated 22.01.2012, in and by which, the petitioner was directed to complete the Kumbabishekam of the above Temple within a stipulated time



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and also to furnish an explanation under what circumstances the Trustees have not made any arrangements for completing the Kumbabisekam festival for the Temple.

3.The learned counsel appearing for the petitioner claims that the hereditary trustee one P.S.Mahadev died in the year 2012 and therefore there was some delay in conducting the Kumbabisekam, for which, the respondents have issued a notice calling upon the petitioner to submit his explanation and also for an action as against the hereditary trustee and therefore, the petitioner was constrained to file this writ petition in the year 2012. He further submits that Kumbabisekam of the above Temple has been performed subsequently.

4.The learned Special Government Pleader appearing for the respondents submits that though the subject temple is governed by a Scheme and as per the Scheme, the temple has to be administered by two hereditary trustees and two non-hereditary



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trustees appointed by the Hindu Religious and Endowments Department, thereby, the Department is having control over the administration of the temple as per the Scheme framed in the year 1938.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.Admittedly, the petitioner has not challenged the notice issued by the HR & CE Department in Na.Ka.No. 383/2012/A3 dated 22.01.2012 and sought for a Mandamus forbearing the respondents from interfering with the administration of the petitioner temple. More over, this writ petition was filed in the context that the respondents have directed to complete the Kumbabisekam of the petitioner temple within a stipulated time. Now it is reported that the Kumbabisekam of the temple has already been completed.



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7.In view of the above, this writ petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

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

To

- 1.The Commissioner,
O/o The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai – 34.
- 2.The Joint Commissioner,
O/o, The Joint Commissioner,
Hindu Religious and Charitable
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B.PUGALENDHI, J.

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W.P(MD)No.1616 of 2012 and
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