



WEB COPY



WP.No.265 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.265 of 2024
and W.M.P.Nos.326 to 328 of 2024

Thenmugam Vellode Moonrukarai
Santhanthal Kulamakkal Sangam
Rep by its President, K.Somasundaram

.. Petitioner

Versus

1.The State of Tamil Nadu
Rep by its Secretary, Home Department
Fort St.George, Chennai – 600 009

2.The Commissioner
HR & CE Department
Near Trust Hospital Building
2nd Floor, Nadesar Mill Compound
Perundurai Road, Erode – 11

3.The Joint Commissioner
HR & CE Department
Ivanbhavan 2nd Floor,
Gandhiji Road, Erode – 638 001

4.The Executive Officer
Camp Office-Arulmigu Chellandiamman Koil
Kunnatur Road, Perundurai Nagar & Taluk
Erode District – 638 052

5.The Bank Manager
Indian Overseas Bank
Vadamugam Vellode Branch
GSK Complex, Arachalur Road
Vellodu, Erode – 638 112

.. Respondents



WP.No.265 of 2024

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records in Nil Proceedings dated 27.09.2023 on the file of the 4th respondent and quash the same as illegal incompetent and without jurisdiction and to further direct the 5th respondent to defreeze the Indian Overseas Bank Account No. 134702000000780 in Vedamugam Vellode Branch, Vellode, Erode District.

For Petitioner : Mr.Avinash Wadhwani

For Respondents : Mr.S.Ravichandran for R1 to R4
Additional Government Pleader (HR & CE)
Mr.V.Rajeswari for R5

ORDER

This writ petition is filed challenging the order of the 4th respondent in Nil Proceedings dated 27.09.2023, quash the same and further direct the 5th respondent to defreeze the Indian Overseas Bank Account No. 134702000000780 in Vedamugam Vellode Branch, Vellode, Erode District..

2. The case of the writ petitioner is that the petitioner trust main objective was to maintain the unity of people of Themnugam Vellore Santhanthai Kulam and upliftment and welfare of the community. The members belong to the Vellala Gounder ommunity more specifically the Sathanthai Kulamakkal sect. The Nalasangam was framed Bye-law and registered under the Societies Registration Act. As per the resolution, the petitioner Nalasangam opened a bank account in 5th respondent bank, wherein, the members subscription are the financial transactions. The Sathanthai



WP.No.265 of 2024

Kulamakkal sect's main diety is Arulmigu Rajaswamy Nallamangai Ammal

Temple and the petitioner is no way connected to the temple. However, all of a sudden, the fourth respondent passed the impugned directing the fifth respondent to freeze the petitioner's bank account. Challenging the said order, this writ petition.

3. The learned counsel for the petitioner submitted that admittedly, the petitioner Nalasangam is not connected with the temple and the entire money collected in the bank account is from the members subscription and the petitioner has maintained proper accounts with regard to the money collected by them and no donation is collected from either the Kulamakkal or in the name of the temple. However, respondents misconstrued as if the petitioner has collected donation from the public in the name of the temple. There is no proper evidence in this aspect. The respondent claim that there are similar name in Thenmugam Vellore Santhanthai Kulamakkal Narpani Mandram and even in the counter itself states that during enquiry they were under the impression that the Narpani Mandram had collected amount from the general public and concluded that the petitioner Nalasangam had collected the money from the general public using the name of the devotee. In view of the contrary stand taken by the respondent, it is evident that they are not sure whether the



WP.No.265 of 2024

amount is collected from the general public or by way of subscription.

Accordingly, he prayed to allow this writ petition.

4. Per contra, the learned Additional Government Pleader submitted that admittedly Arulmigu Rasa Thirukoil, Thenmugam Vellode, Perundurai Taluk, Erode District is listed temple as per Section 46(i) of the Tamil Nadu Hindu Religious and Charitable Endowment Act. The Executive Officer of Arulmigu Chellandiamman Thirukoil, Perundurai is the Thakkar administering the above temple. Earlier the people of Kongu Vellalar Community made representation that the people belonging to Thenmugam Sathanthai Kulatharai should only be appointed as hereditary trustee of the temple. Hence, Deputy Commissioner, HR & CE, Coimbatore in O.A.No.23/90B1 dated 21.05.1991 as per Section 64(1) of the Act had settled scheme for the temple. While so, a complaint alleging that the petitioner Sangam was receiving money from the devotees, inside the temple in by using the name of deity. Hence, as per the circular issued by the Commissioner, in Na.Ka.No.65713/2022/Z1 dated 27.03.2023, the Executive Officer vide letter dated 16.06.2023 requested the 5th respondent Bank to freeze the bank account. Subsequently, the Joint Commissioner, HR & CE, Erode conducted enquiry and found that the petitioner has collected money using the temple's name. Hence, opposes the writ petition.



WP.No.265 of 2024

5. Heard both sides and perused the materials placed on record.

WEB COPY

6. Admittedly, the facts in the present case are not in dispute. It is to be seen that Arulmigu Rasa Thirukoil, Thenmugam Vellode, Perundurai Taluk, Erode District is listed temple as per Section 46(i) of the Tamil Nadu Hindu Religious and Charitable Endowment Act and is controlled by the Executive Officer of Arulmigu Chellandiamman Thirukoil, Perundurai. Based on the representation of the people belonging to Thenmugam Sathanthai Kulatharai, Deputy Commissioner, HR & CE, Coimbatore in O.A.No.23/90B1 dated 21.05.1991 as per Section 64(1) of the Act had settled scheme for the temple and the HR & CE Department is appointed as the Trustees. The dispute in this writ petition since the HR & CE Department is is the trustee, they are entitled to receive the donation on behalf of the temple, however, it is alleged that the petitioner is collecting money on their behalf in the fifth respondent bank. Whereas, the petitioner claims that the entire amount collected by the petitioner is from its members subscription and not by way of donation in the name of the temple. This Court is of the view that such disputed facts cannot be delve into by this Court and the same can be agitated only before the competent Civil Court.



WP.No.265 of 2024

7. Such view of the matter, the 5th respondent is directed to convert the subject bank account as fixed deposit interest bearing account in the name of Arulmigu Rasa Thirukoil, Thenmugam Vellode, Perundurai Taluk and allow the petitioner to operate the bank account with a minimum balance of Rs.100/- It is made clear that the petitioner shall not collect any donations in the name of the temple. The petitioner shall approach jurisdictional Civil Court for appropriate remedy as against the respondents. If any such suit is filed, this order will not influence or stand in the way of deciding the suit on merits by the competent Civil Court.

8. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

25.09.2024

dhk
Index: Yes/No
Internet: Yes/No



WP.No.265 of 2024

WEB COPY

To

1.The Secretary,
The State of Tamil Nadu
Home Department
Fort St.George, Chennai – 600 009

2.The Commissioner
HR & CE Department
Near Trust Hospital Building
2nd Floor, Nadesar Mill Compound
Perundurai Road, Erode – 11

3.The Joint Commissioner
HR & CE Department
Ivanbhavan 2nd Floor,
Gandhiji Road, Erode – 638 001

4.The Executive Officer
Camp Office-Arulmigu Chellandiamman Koil
Kunnatur Road, Perundurai Nagar & Taluk
Erode District – 638 052

5.The Bank Manager
Indian Overseas Bank
Vadamugam Vellode Branch
GSK Complex, Arachalur Road
Vellodu, Erode – 638 112



WEB COPY



WP.No.265 of 2024

M. DHANDAPANI, J.

dhk

W.P.No.265 of 2024

25.09.2024