



W.P.No.2272 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.2272 of 2024
and W.M.P.No.2472 of 2024

Arulmigu Shri Navasakthi Vinayagar Temple,
Represented by its Secretary,
M.Shriskandarajah
Son of Thiru Muthuramalingam,
Priya Nagar – I, Urupakkam,
Vandalur Taluk,
Chengalpattu District – 603 210.

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Petitioner

/vs/

1. The Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam, Chennai – 600 034.
2. The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Chengalpattu.
3. The Inspector,
Hindu Religious & Charitable Endowment Department,
West Tambaram, Chennai – 600 045.
4. Kavitha

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Respondents



W.P.No.2272 of 2024

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorari to call for the records forbearing the respondents from taking over the control of the temple namely Arulmigu Shri Navasakthi Vinayagar Temple, at Priya Nagar – I, Urupakkam, Vandalur Taluk, Chengalpattu District and the communication of the first respondent dated 05.01.2024 in Ne.Mu.No.17479/2023/E4 and quash the same.

For Petitioner ... Mr.C.V.Shyam Sunder

For Respondents ... Mr.N.R.R.Arun Natarajan
Special Govt. Pleader for H.R.&C.E.
For R1 to R3

ORDER

This writ petition has been filed challenging the communication of the first respondent dated 05.01.2024 in Ne.Mu.No.17479/2023/E4.

2. The petitioner is said to have constructed a temple with the public contribution of the residents of Priya Nagar, Urupakkam, in the layout developed by the petitioner himself.



W.P.No.2272 of 2024

3. Mr.C.V.Shyam Sunder, the learned counsel for the petitioner, submitted that the petitioner had developed his lands into house sites at Priya Nagar, Urapakkam and sold it to several persons and they have constructed their respective houses in the colony; a small land was allocated for building a Temple with the public contributions; the fourth respondent who is said to be the devotee of the said temple was given with the charge to manage the affairs of the temple and she had misappropriated a sum of Rs.21,000/- of the temple money; since she was not allowed to manage the temple activities thereafter, she had instigated the respondents 1 and 2 to take over the temple; the temple was built in the private land belonging to the petitioner and hence there is no necessity for the H.R.&C.E. respondents to take over the temple and to pass the impugned order and it is not true to state that the order has been passed pursuant to the direction of the Court.

4. Mr.N.R.R.Arun Natarajan, the learned Special Government Pleader, submitted that the fourth respondent has filed a Writ Petition in W.P.No.33516 of 2022 and obtained an order against the respondent



W.P.No.2272 of 2024

authorities to initiate action; the parties were quarreling with each other and it has caused much public inconvenience; the enquiry of the second respondent revealed that the temple has been built out of public donation in the property belonging to Urapakkam Municipality and hence the petitioner cannot have any grievance.

5. The learned Special Government Pleader submitted that as per instruction, the said temple is being under the management of Hindu Religious & Charitable Endowment Department.

6. Whatever may be the case, the petitioner who is said to have been aggrieved over the order of the first respondent dated 05.01.2024 has not challenged the order by invoking the statutory remedy. The writ petition has been filed without availing the alternate efficacious remedy. If the petitioner has got grievance, he is at liberty to file a review application before the appropriate authorities and make his submissions. Hence, I feel the Writ Petition is unnecessary and not maintainable.



W.P.No.2272 of 2024

WEB COPY 7. Thus, the Writ Petition is closed. No costs. Connected miscellaneous petition is closed.

05.02.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
bkn

To:

1. The Commissioner,
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2. The Assistant Commissioner,
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Chengalpattu.
3. The Inspector,
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W.P.No.2272 of 2024

R.N.MANJULA ,J.

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W.P.No.2272 of 2024

05.02.2024