



W.P.No.3880 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.3880 of 2020
and WMP.No.4600 of 2020

M.Kumara Selvam

..... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
No.119, Uthamar Gandhi Road,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Kottai Mariamman Temple Campus,
Salem, Salem District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Dharmapuri,
Dharmapuri District.

4.The Inspector,
Hindu Religious and Charitable Endowment Board,
Palacode,
Dharmapuri District.

..... Respondents



W.P.No.3880 of 2020

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing in the nature of the writ forbearing the 4th respondent from interfering into the day to day activities of the Arulmigu Katumarriamman Thirukoil situated at Ponnarampati Koot Road, Chitarahalli Village, Pallacode Taluk, Dharmapuri District without due process of law.

For Petitioner : Mr.M.Sathish Kumar

For Respondents : Mr.K.Karthikeyan
Government Advocate
(HR & CE)

ORDER

The petitioner herein seeks issue of Writ of mandamus forbearing the 4th respondent from interfering with petitioner's day-to-day administration of Arulmighu Katumariamman Thirukovil situated at Ponnarampati Koot Road, Chitarahalli Village, Palacode Taluk, Dharmapuri District, without due process of law.

2. It is seen from the typed set of papers, the petitioner already filed an original application on the file of the second respondent in O.A.No.5 of 2012 seeking framing of Scheme for the administration of the



W.P.No.3880 of 2020

above said temple. In the said application, it is clearly averred by the petitioner that the subject temple was brought within the control of the first respondent treating the same as a public temple within meaning of Section 6 (20) of HR and CE Act. It is also seen from the records that the petitioner filed a suit in O.S.No.289 of 2014 on the file of the Subordinate Court, Dharmapuri, seeking declaration of his right over the temple, the same was dismissed.

3. In the counter affidavit filed by the second respondent, it is asserted that the fit person appointed by the HR and CE Department taken charge way back in the year 2009 and the petitioner has no right to claim any right over the administration of the temple. The petitioner claiming right over the administration of the temple filed a Civil Suit and the same was dismissed. He filed an application before the jurisdictional Joint Commissioner for framing of scheme and the same was withdrawn with liberty to file a fresh original application rectifying the defects as seen from the order passed by the second respondent dated 20.03.2023 in O.A.No.5 of 2012.



W.P.No.3880 of 2020

WEB COPY

4. Since the administration of the subject temple is already under the control of the fit person appointed by the respondent department, the prayer sought for by the petitioner is not maintainable and it is for the petitioner to work out his remedy before the Jurisdictional Joint Commissioner by filing appropriate original application as per the order passed in O.A.No.5 of 2012 dated 20.03.2023.

5. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
ub



W.P.No.3880 of 2020

To

1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
No.119, Uthamar Gandhi Road,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Kottai Mariamman Temple Campus,
Salem, Salem District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Dharmapuri,
Dharmapuri District.

4.The Inspector,
Hindu Religious and Charitable Endowment Board,
Palacode,
Dharmapuri District.



WEB COPY



W.P.No.3880 of 2020

S.SOUNTHAR, J.

ub

W.P.No.3880 of 2020

04.11.2024