



WEB COPY



WP.No.1656 of 2016

In the High Court of Judicature at Madras

Dated : 30.8.2024

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition No.1656 of 2016 &
WMP.No.1430 of 2016

- 1.T.Manokaran
- 2.T.Sivaraj
- 3.M.Sabapathi
- 4.M.Natesan
- 5.A.Murugan
- 6.A.Senthilkumar
- 7.A.Ambikapathi
- 8.G.Kumaresan
- 9.V.Duraisamy
- 10.N.Subramaniam
- 11.A.Karthi
- 12.N.Shanmugam

...Petitioners

Vs

- 1.The State of Tamil Nadu, rep.
by its Secretary, Tamil
Development, Religious
Endowment and Information
Department, Fort St.George,
Chennai-9.
- 2.The Commissioner, Hindu
Religious & Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam High Road,
Chennai-34.



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3.The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Dr.Balasundaram Road,
Coimbatore-18.

4.The Executive Officer,
Arulmighu Neelambur
Kaliyamman Thirukoil,
Karaiyur, Dharapuram Taluk,
Tiruppur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 4th respondent in their proceedings dated 30.10.2013 relating to portion of condition to surrender the lands assigned to the petitioners for continuing service in Arulmigu Neelambur Kaliyamman Thirukoil, Karaiyur service as Poojaris, quash the same in so far as the petitioners are concerned and direct the 4th respondent to forbear them from in anyway interfering with the petitioners' right of service as Poojaris in the said Arulmigu Neelambur Kaliyamman Thirukoil, Karaiyur, Dharapuram Taluk, Tirupur District.

For Petitioners	:	Mr.D.S.Rajasekaran
For R1 to R3	:	Mr.K.Karthikeyan, GA (HR & CE)
For R4	:	Mr.K.Sudhakar

ORDER

This writ petition has been filed challenging the proceedings dated 30.10.2013, by which, the fourth respondent either imposed a condition on some of the petitioners to surrender the land in their occupation to continue



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to the poojas or disqualified the first petitioner on the ground that he sold the land owned by the fourth respondent temple or disqualified some of the petitioners as they crossed the age of 60 with a further condition to surrender the lands in their occupation, as the case may be.

2. Heard the learned counsel for the petitioners and the learned Government Advocate appearing for respondents 1 to 3.

3. The case of the petitioners is as follows :

The petitioners are hereditary poojaries rendering their service in the fourth respondent temple without any remuneration for several decades. The inam lands were assigned to them to eke their livelihood after cultivation. During the year 2013, the Executive Officer was appointed so as to administer the temple activities. All of a sudden, the fourth respondent passed the impugned order. Hence, the petitioners are before this Court.

4. Heard the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.



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5. When the matter is taken up for hearing, the proceedings of the fourth respondent dated 28.8.2024 is produced before this Court. On a perusal of the same, it is seen that during the pendency of this writ petition, some of the petitioners filed W.P.No.16298 of 2016 before this Court challenging the notice dated 18.11.2013 on the file of the fourth respondent and to direct the respondents not to voluntarily intrude into and criticize the settlement proceedings of the Act 30 of 1963, that in the earlier writ petition, by order dated 13.7.2021, this Court issued a direction to consider the representation of the petitioners dated 20.7.2021 and pass appropriate orders after conducting an inquiry, that pursuant to the same, orders were passed by the fourth respondent rejecting the claim of the petitioners on the ground that no documentary proof was filed so as to claim tenancy or leasehold rights either by the respective petitioners or by their ancestors and that the patta stands in the name of the fourth respondent temple and that petitioners are encroachers.

6. The petitioners claim to be the poojaris of the fourth respondent temple. However, the hereditary poojari system was abolished in the year



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1971 itself by way of Act 2 of 1971 and the same was upheld by the Hon'ble Supreme Court in the case of *Seshammal Vs. State of Tamil Nadu* [reported in 1973 (1) MLJ 58]. After 1971, there is no hereditary poojari system existed in any of the temples within the State of Tamil Nadu. Hence, the petitioners' claim that they obtained service inam under the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963. However, no such proof is available in support of their claim and if at all the petitioners have any proof for enjoyment of the temple lands through service inam, liberty is granted to them to file an appropriate application before the Authority under the Hindu Religious and Charitable Endowment Department in respect of the lands under the occupation of the petitioners and if any such application is pending, appropriate orders shall be passed by the Authority concerned in accordance with law.

7. With the above observations, the writ petition stands dismissed. No costs. Consequently, the connected WMP is also dismissed.

30.8.2024

RAP

Index : Yes (or) No
Neutral Citation : Yes (or) No



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M.DHANDAPANI,J

RAP

To

- 1.The Secretary to Government of Tamil Nadu,
Tamil Development, Religious
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Department, Fort St.George,
Chennai-9.
- 2.The Commissioner, Hindu
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