



W.P.No.13503 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.13503 of 2020
and W.M.P.Nos.16691 and 16694 of 2020**

B.V.Sridhar Battachar
Petitioner

...

Vs.

1.The Assistant Commissioner/Executive Officer,
Arulmighu Sri Lakshinarasimhaswamy Temple,
Sholinghur-632 102, Wallajah Taluk,
Vellore District.

2.The Commissioner,
HR & CE Administration Department,
Nungambakkam High Road,
Chennai-34.

3.The Joint Commissioner,
HR & CE Administration Department,
Vellore.

4.S.Mohanakrishnan

....Respondents

*(*R4 was impleaded vide order dated 11.01.2021 made in*



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W.M.P.No.23042/2020 in W.P.No.13503/2020)*

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent comprised in the impugned communication bearing Na.Ka.No.600/2019/A1 dated 12.08.2020 and all proceedings pursuant and related thereto and quash the same as illegal and arbitrary and consequently, forbear the respondents, in any manner preventing or interfering with the rights of the petitioner in performing his service as Archaka in Arulmigu Sri Lakshminarasimhaswamy Temple, Sholinghur.

For Petitioner	:	Mr.Rahul Balaji
For Respondents	:	Mr.NRR.Arun Natarajan Special Government Pleader (HR & CE) for R2 and R3 Mr.S.Surya for M/s.A.S.Kailasam and Associates for R1 Ms.Aswini Devi for R4

ORDER

This Writ Petition has been filed challenging the impugned communication bearing Na.Ka.No.600/2019/A1 dated 12.08.2020 issued by



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the first respondent and for a consequential direction to forbear the respondents from in any manner interfering with the rights of the petitioner in performing his service as Archaka in Arulmigu Sri Lakshminarasimhaswamy Temple, Sholinghur.

2. The case of the petitioner is that the petitioner is a recognized successor of Late A.Srinivasa Battachar, who during his lifetime was entitled to perform Archakatvam services at Arulmigu Sri Lakshminarasimhaswamy Temple, Sholinghur and on the demise of A.Srinivasa Battachar, he became entitled to the office of Hereditary Archaka by virtue of his relationship with the late Srinivasa Battachar, in accordance with the Will dated 01.06.1984, executed by Sri Srinivasa Battachar. The petitioner's family has been performing Archakatvam Services hereditarily in Arulmigu Sri Lakshminarasimhaswamy Temple and the Temple in Chinna Malai and Bakthavatchala Perumal Temple in Sholinghur Town and the petitioner's predecessors/Archakas were Sri Venkata Narasimha Battachar and his brother, namely, Sri Srinivasa Battachar. Since Sri Venkata Narasimha



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Battachar did not have any issues, the petitioner, who is the grandson of Sri Srinivasa Battachar, was adopted by Sri Venkata Narasimha Battachar in the year 1972.

3. After the demise of Sri Venkata Narasimha Battachar, the petitioner was appointed as Archaka by the second respondent vide proceedings dated 21.03.1979 recognizing him as the legal successor of late Sri Venkata Narasimha Battachar. In the Will dated 01.06.1984, the adoption of the petitioner by late Sri Venkata Narasimha Battachar was acknowledged and Archakathvam rights of Sri Srinivasa Battachar have also been bequeathed in favour of the petitioner herein. Sri Srinivasa Battachar passed away in the year 2000. A civil suit in O.S.No.230 of 1998 was filed before the District Munsif Court, Sholinghur, by the petitioner seeking for a declaratory decree that he is entitled to continue as the hereditary Archaka in Sholinghur Temple, since he is the adopted son of Sri Venkata Narasimha Battachar, however, it was dismissed on 31.10.2005. Aggrieved by the same, the petitioner filed an appeal suit in A.S.No.78 of 2006 before the Additional



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District Munsif Court, Ranipettai, and it was allowed by the Appellate Court, vide order dated 12.08.2008, holding that the petitioner herein is the hereditary archaka and an order of permanent injunction was also granted restraining the first and second respondents herein from in any manner interfering with the petitioner's right as Archaka. Thereafter, a representation was made by the petitioner before the Assistant Commissioner on 27.07.2000 to recognize him as the hereditary Archaka of the Temple and since it was kept pending, the petitioner filed W.P.No.11119 of 2001 before this Court to consider the representation of the petitioner dated 27.07.2000 and it was disposed of by this Court vide order dated 30.10.2001, granting liberty to the petitioner to approach the concerned Authority. Consequently, O.A.No.6 of 2002 was filed before the third respondent, wherein, it was held that the petitioner was appointed as Archaka in the Temple vide proceedings dated 31.03.1979 of the second respondent and he was recognized as the legal successor of Late Venkata Narasimha Battachar and he is entitled to payment of Archaka's share in Archanai ticket collections of the Temple at the Hills and the connected



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Temple situated at Sholingapuram, Wallajah Taluk, from 01.06.2000 onwards, which was formerly paid to late Sri Srinivasa Battachar.

4. While so, on 12.08.2020, when the petitioner went to Chinna Malai Temple to perform the pooja, he was not permitted to perform the pooja by the Head-clerk of the Temple and on 13.08.2020, the petitioner received the impugned Letter dated 12.08.2020 issued by the first respondent herein, wherein, it was stated that the petitioner has been rendering services in the above Temples without proper approval from 10.07.2000 and he was directed to repay the amount collected as Archanai and all other charges (including amounts received in excess) received after the year 2000 from the aforesaid Temples and there is no proceedings in favour of the petitioner in connection with Archaka's service for all Sannadhis in the aforesaid Temples. Challenging the same, the present writ petition has been filed.



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5. The learned counsel appearing for the petitioner submits that though the first respondent claims that the petitioner was not recognized as Archaka from the year 2000, the second respondent, vide proceedings dated 31.03.1979, appointed the petitioner as Archaka in the Temple and recognized the petitioner as the legal successor of Late Venkata Narasimha Battachar. The petitioner's grandfather died in the year 2000 and the petitioner has been started rendering Archaka service from the year 2000 onwards, however, the impugned order has been passed in the year 2020, after a lapse of 20 years, preventing the petitioner from performing Archaka Service and directing him to repay the amount collected as Archanai and all other charges received from the year 2000 in the aforesaid Temples.

6. The learned counsel appearing for the first respondent submits that the petitioner has no right to perform as Hereditary Archaka in the aforesaid Temples and till the impugned order was passed in the year 2020, the petitioner was not recognized as Archaka and the services of the



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petitioner as Archaka is without any authority, moreover, the petitioner has now crossed the age of 60 years. Taking into consideration of all those aspects, the first respondent has passed the impugned order which is sustainable. Accordingly, he prays for dismissal of this petition.

7. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the first respondent, the learned Special Government Pleader (HR & CE) appearing for the respondent Nos.2 and 3 and the learned counsel appearing for the respondent No.4.

8. The petitioner is the grandson of Sri Srinivasa Battachar and was adopted by Sri Venkata Narasimha Battachar, who is the brother of Sri Srinivasa Battachar, since Sri Venkata Narasimha Battachar did not have any issues. Sri Srinivasa Battachar and Sri Venkata Narasimha Battachar were Archakas in the aforesaid Temples. After the demise of his predecessors, the petitioner was rendering service as Archaka from the year 2000 in the aforesaid Temples. While so, after a lapse of 20 years, the first



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respondent, vide impugned order dated 12.08.2020, directed the petitioner to repay the amount collected as Archanai and all other charges received from the year 2000 in the aforesaid Temples on the ground that the petitioner has been rendering service as Archaka in the aforesaid Temples, without proper approval and against the law. If the petitioner was rendering service from the year 2000 without approval, the first respondent should have taken action at the relevant point of time itself and keeping silent for the past 20 years, the direction of the first respondent to repay the amount collected by the petitioner towards Archanai and all other charges after the year 2000 is not justifiable and when the official respondents have not acted diligently, the same cannot be put against the petitioner. Therefore, the impugned order dated 12.08.2020 passed in Na.Ka.No.600/2019/A1 by the first respondent is set aside. However, it is open to the official respondents to issue a Notification for appointing Archaka in the aforesaid Temples in accordance with law. Since the petitioner has now crossed the age of 60 years, the application from the eligible persons may be called for by the concerned Authority for appointing them as Archaka.



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9. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petitions are closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

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