



WP.No.39446 of 2016

In the High Court of Judicature at Madras

Dated : 30.8.2024

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition No.39446 of 2016 &
WMP.Nos.33730 & 33731 of 2016

S.Vellingiri

...Petitioner

Vs

- 1.The Commissioner, Hindu Religious & Charitable Endowment Board, Nunbambakkam, Chennai.
- 2.The Assistant Commissioner, Hindu Religious & Charitable Endowment Board, Tirupur.
- 3.The Inspector, Hindu Religious & Charitable Endowment Board, Avinashi, Tirupur 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 order dated 05.11.2016 vide proceedings in Na.Ka.No. 3904/2016/A2 on the file of the 2nd respondent, quash the same and forbear the respondents - authorities from interfering the petitioner temple named Arulmigu Badrakaliamman Kovil, which is situated at Avinashi Road, Opposite to Railway Station, Tiruppur, Tiruppur District.



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For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.K.Karthikeyan, GA (HR&CE)

ORDER

This writ petition has been filed challenging the notice dated 05.11.2016, in and by which, the second respondent called upon the petitioner and the general public to attend for an inquiry.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. The case of the petitioner is as follows :

(i) The petitioner claims to be administrator of the temple called Arulmighu Badrakaliamman Temple situated at Avinashi Road, Opposite to Railway Station, Tirupur, Tirupur District. The said temple is a private temple. The petitioner's father established the said temple and after his demise, the petitioner is looking after the affairs of the said temple. In order to maintain the said temple, the petitioner is using his own money absolutely and is not receiving any offering or donation from the general public.



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(ii) When the respondent officials started intervening in the affairs of the said temple, the petitioner filed O.S.No.161 of 1982 on the file of the Sub-Court, Tirupur against the respondents seeking to declare that the said temple is a private temple. However, the Trial Court dismissed the said suit by judgment dated 02.7.1983. Challenging the judgment of the Trial Court, the petitioner filed A.S. No.812 of 1983 before this Court. Ultimately, the suit was decreed by judgment dated 17.12.1997. Aggrieved by the said judgment of this Court dated 17.12.1997, L.P.A.No.47 of 1998 came to be filed by the respondents before this Court and it was dismissed by judgment dated 14.11.2002. The said judgment dated 14.11.2002 attained finality as the respondents had not chosen to approach the Supreme Court.

(iii) However, the second respondent issued the notice dated 10.2.2015 calling upon the petitioner to appear for an inquiry. Pursuant to that, the petitioner also attended the inquiry and furnished supportive documents. He also sent a reply dated 10.3.2015 to the respondents. Thereafter, nothing was forthcoming. However, to his shock and surprise, the second respondent issued the impugned notice. Hence, the petitioner is before this Court.



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4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned notice.

5. The attempt of the second respondent is to bring the said temple under the control of the Hindu Religious and Charitable Endowment Department. When the matter attained finality through the judgment of a Division Bench of this Court in L.P.A.No. 47 of 1998 dated 14.11.2002, it is not proper on the part of the respondents now to make an attempt to bring the said temple under their control. The matter also attained finality as no appeal was filed nor sought to be filed before the Apex Court as against the judgment of the Division Bench of this Court dated 14.11.2002. Hence, the petitioner is entitled to succeed.

6. For the foregoing reasons, the writ petition is allowed and the impugned notice is quashed. No costs. Consequently, the connected WMPs are closed.

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Index : Yes (or) No

Neutral Citation : Yes (or) No



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