



W.P.No.31629 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

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Sri Periyandavar Temple,
Mudapuli Village,
Virudhachalam Taluk,
Cuddalore District,
Rep. By its Trustee/Poosari
Mr.Arulmani

... Petitioner

VS

- 1.The District Collector,
Cuddalore, Cuddalore District.
- 2.The Revenue Divisional Officer,
Virudhachalam Taluk,
Cuddalore District.
- 3.The Thasildar
Taluk Office, Virudhachalam Taluk,
Cuddalore District.

4.Kanaga Vel

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus directing the respondents 1 to 3

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not to take any action to remove the structure of Sri Periyandavar Temple situated in Survey No.21 with an extent of 0.71.5 hectares at Mudapuli Village, Virudhachalam Taluk, Cuddalore District without due process of law.

For Petitioner : Mr.A.G.Rajan

For Respondents : Mr.M.S.Arasakumar
Government Advocate
for R1 to R3

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned 'Writ Petition' (hereinafter 'WP' for the sake of brevity) pertains to a temple by name 'Sri Periyandavar Temple situate in Survey No.21, Mudapuli Village, Virudhachalam Taluk, Cuddalore District' (hereinafter 'said temple' for the sake of convenience and clarity).

2. Mr.A.G.Rajan, learned counsel for writ petitioner submitted that the deponent of the affidavit one Arulmani is a poosari/trustee of said temple. Learned counsel also submitted that the writ petitioner is a hereditary trustee but there is no order under Section 63 more



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particularly Section 63(b) of 'The Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Act 22 of 1959)' [hereinafter 'TN HR & CE Act' for the sake of convenience and clarity]. As regards TN HR & CE Act, we have repeatedly held that in the light of sub-section (3) of Section 1, any religious institution is a public religious institution unless exempt under Section 4. Religious Institution itself is defined under Section 6(18) of TN HR & CE Act. There is nothing before us to demonstrate that said temple is a private temple either.

3. Owing to writ petitioner's submission that said temple is under imminent threat of high-handed demolition without adherence to due process of law, as Courts are parenti locus qua idols which are in the status of a minor, we deem it appropriate to issue notice to official respondents i.e., R1 to R3. Mr.M.S.Arasakumar, learned Government Advocate accepts notice for R1 to R3.

4. Mr.M.S.Arasakumar, learned State counsel on instructions submits that Survey No.21 admeasures 0.71.5 hectares or thereabouts and it is Government poramboke land which means it vests in the Government. It is also submitted that the temple is situate



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in a small part of this land and as of now the official respondents do not intend to demolish or in any way dismantle the temple superstructure. This statement as regards the position as of now i.e., for the present is recorded.

5. We find that the allegation is that official respondents are acting at the instance of R4 (private respondent). Owing to stated position of learned State counsel, we are not taking into account any of these allegations and we are leaving open all questions and we are also preserving all the rights and contentions which may be available to R4 in this regard. Therefore, with the consent of both sides, the main WP is taken up in the Admission Board.

6. As it is the stated position of learned State counsel that the temple superstructure is not intended to be dismantled or demolished for the present, we deem it appropriate to record this statement and dispose of the WP making it clear that as regards the rest of the land comprised in Survey No.21, it vests in the Government and it is open to the State to act in accordance with law. Likewise, we also make it clear that if any steps have to be taken with regard to the temple



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superstructure, in the days to come, the same shall not be done
dehors due process of law.

7. In the light of the narrative thus far, captioned WP is disposed
of as closed in the aforesaid manner recording the stated position of
learned State counsel. There shall be no order as to costs.

(M.S.,J.) (K.R.S.,J.)
05.11.2024

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

- 1.The District Collector,
Cuddalore, Cuddalore District.
- 2.The Revenue Divisional Officer,
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**M.SUNDAR, J.,
and
K.RAJASEKAR, J.,**

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