



W.P.(MD) No.482 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On	06.06.2024
Pronounced On	11.06.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.482 of 2024

and

W.M.P.(MD)No.501 of 2024

Arulmigu Sri Pechiamman Devi Devasthanam Trust,
Rep. by its General Secretary,
Sabari Girish,
S/o.Kunjuraman,
Petchiparai Post,
Thiruvattaru Taluk,
Kanyakumari District.

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Public Works Department,
Fort St. George,
Chennai – 600 009.
- 2.The District Collector,
Kanyakumari District at Nagercoil.
- 3.The Executive Engineer,
Public Works Department,
PWD Road,
Nagercoil – 629 001,
Kanyakumari District.



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4.The Commissioner,
H.R. & C.E. Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.

5.The Assistant Commissioner,
H.R. & C.E. Department,
Mettu Street,
Vadeeswaram,
Kanyakumari District.

6.S.Vinu

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 4 and 5 from controlling the Village Temple at Pechiparai, namely, Arulmigu Sri Pechiamman Devi Thirukoil and consequently, declare the appointment of the sixth respondent as Trustee for Arulmigu Sri Pechiamman Devi Thirukoil, Pechiparai, as illegal, based on the petitioner's representation dated 27.09.2023.

For Petitioner	: Mr.Ananth C.Rajesh
For R1 to R5	: Mr.P.Subbaraj Special Government Pleader
For R6	: Mr.VR.Shanmuganathan

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus forbearing the respondents 4 and 5 from controlling the



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Village Temple at Pechiparai namely, Arulmigu Sri Pechiamman Devi and consequently, to declare the appointment of the sixth respondent as Trustee for Arulmigu Sri Pechiamman Devi Thirukoil, Pechiparai, as illegal, based on the petitioner's representation dated 27.09.2023.

2. The learned Special Government Pleader for the respondents 1 to 5 would submit that the sixth respondent was appointed as a non-hereditary Trustee for Arulmigu Sri Pechiamman Devi Thirukoil, Pechiparai on 10.12.2023 for a period of two years under Section 49 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as "the H.R. & C.E. Act"].

3. It is submitted that the petitioner has an alternate remedy before the Commissioner under Section 21-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and that this Writ Petition is liable to be dismissed with liberty to the petitioner to challenge the appointment of the sixth respondent before the Commissioner of H.R. & C.E. Department.



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4. The specific case of the petitioner is that a small Temple was constructed in the year 1897 without any superstructure and it started with the worship of a deity on the land belonging to the Public Works Department and that all along the Temple was free from any interference from the H.R. & C.E. Department.

5. It is further submitted that a new Temple, measuring an extent of 436 sq.ft. was constructed in the year 2000 and that in the year 2005, the Petitioner Trust was registered. It is submitted that the Temple neither has any land nor has any expensive ornaments adorning the deity. It is submitted that only there are few brass items used for Pooja and therefore, it is submitted that there is no merit in the present Writ Petition.

6. I have considered the arguments advanced by the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 to 5 and the learned counsel for the sixth respondent.

7. The sixth respondent was appointed as non-hereditary Trustee of the Temple on 10.12.2023 for a period of two years under Section 49 of the H.R. & C.E. Act. The said fact indicates that the Temple is under the



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control of H.R. & C.E. Department and it would have also been assigned a number in Integrated Temple Management System. It also appears that the Temple attracts worship from the Public and therefore, it is a Public Temple and hence, it cannot be argued by the petitioner that the H.R. & C.E. Department has no jurisdiction over the Temple.

8. In any event, if it is the case of the petitioner that the Temple is a private Temple or denominational Temple, it is open for the petitioner to file a suit for declaring that the said Temple is a denominational Temple. Further, the appointment of the sixth respondent as non-hereditary Trustee of the Temple on 10.12.2023 is a *fait accompli*. Therefore, this Writ Petition is dismissed with liberty to the petitioner to work out remedy before the appropriate authority in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
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11 .06.2024



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C.SARAVANAN, J.

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