



W.P(MD)No.7501 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.7501 of 2024 and
WMP(MD) No. 6885 & 6887 of 2024

1. K.Lakshmanan
2. Alagupillai

... Petitioners

Vs

- 1.The Joint Commissioner,
Tamilnadu Hindu Religious and Charitable
Endowment Department,
Madurai District.
- 2.The Joint Commissioner,
Tamilnadu Hindu Religious and Charitable
Endowment Department,
Dindigul District.
- 3.The Executive Officer/ Special Officer
Fit Person,
Arulmighu Janagai Mariyaman Temple,
Vadipatti Taluk,
Solvandhan,
Madurai District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for records of the first respondent dated 08.03.2010 in proceedings Na.Ka.No.268/2010/E3, set aside the same, as the same is arbitrary, ultravires and in violation of section 28 of the Tamil Nadu Hindu Religious and Charitable Endowments Act XXII of 1959.

For Petitioner	: Mr.R.G.Shankar Ganesh
For R1 & R2	: Mr.P.Subba Raj Special Government Pleader
For R3	: Mr.Ramesh Mahadev

ORDER

The petitioners claiming to be the hereditary trustees of Arulmighu Nalloothu Karuppanasamy Temple, Thidian Village, Usilampatti Taluk have filed this writ petition challenging the order of the Joint Commissioner, Madurai in Na.Ka.No.268/2010/E3, dated 08.03.2010. By the order impugned in this writ petition, the Joint Commissioner has appointed the Executive Officer of Janagai Mariamman Temple, Solavanthan as a Special Officer to file an appeal for the transfer of properties of Arulmighu Nalloothu Karuppanasamy Temple.



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2.The learned counsel appearing for the petitioner submits that the impugned order has been passed without taking note of the order passed in OA No.73 of 1961, dated 03.07.1964. According to the counsel, by this impugned proceedings the Deputy Commissioner, Madurai has declared the ancestors of these petitioners as hereditary trustees of Arulmighu Nalloothu Karuppanasamy Temple, (hereinafter called as temple). This impugned order according to these petitioners was passed without providing an opportunity to the petitioners, who were already declared as the hereditary trustees in the year 1964. The properties of the temple, which were transferred is also not without their knowledge and it was during the UDR scheme by the revenue officials, for which, the hereditary trustees cannot be found fault with. The order impugned has been passed behind their back. Therefore, the learned counsel prays to set aside the impugned order.



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3.Mr.P.Subba Raj, learned Special Government Pleader, takes notes for the respondents 1 & 2 and submits that since the temple lands have been transferred in the individual names, the Executive Officer of Janagai Mariamman Temple has been appointed as a Special Officer of this temple in order to restore the temple lands.

4.The learned counsel for the third respondent submits that the petitioners and other trustees have transferred the temple lands as their individual lands by misusing their position as trustees and poosaris of the temple. According to him, the land in S.No.149, to an extent of 10.90 acres was transferred in the name of the hereditary trustees and their family members and they have encroached the property. This property originally stands in the name of the temple has been subsequently transferred in the name of the hereditary trustees and therefore, the Deputy Commissioner has appointed the Executive Officer of the Janagai Mariamman Temple as a Special Officer of this temple in the year 2010 to restore the



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temple properties. The Special officer was appointed on 08.03.2010 and soon after his appointment, the Special Officer has filed an appeal before the District Revenue Officer, Madurai on 19.03.2010. An enquiry was conducted by the District Revenue Officer on the appeal preferred by the Special Officer in Na.Ka.No.214 /2010 and an order has been passed on 05.02.2013 to cancel the patta stands in the name of these petitioners and their family members and also ordered for restoration of the temple lands to its original position. The learned counsel has also produced a copy of the order passed by the District Revenue Officer in Na.Ka.No.214/2010, dated 05.02.2013.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioners have filed this writ petition as against the order of appointment of a Special Officer, dated 08.03.2010. According to these petitioners, they came to know about this order



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7.In view of the above, this Court is not inclined to entertain this writ petition after fourteen years of passing of the impugned order, that too on the ground of violation of principles of natural justice. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

26.03.2024

NCC: Yes/No
Index:Yes/No
Internet:Yes
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B.PUGALENDHI, J.

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