



W.P.(MD) No.10991 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.10991 of 2024
and
W.M.P.(MD) No.9786 of 2024**

A.Subbulakshmi

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam High Road,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
No.18, Nasi Street,
Virudhunagar – 626 001.

4.K.Kumaresan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for



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issuance of Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 19.03.2024 and appoint Executive Officer for Arulmigu Sri Vadivasal Perumal Temple, Rajapalayam, Virudhunagar District.

For Petitioner : Mr.S.Manohar

For respondents 1 to 3 : Mr.P.Subbaraj
Special Government Pleader

ORDER

This Writ Petition is disposed of, at the time of admission, without issuing notice to the fourth respondent, as no adverse orders have been passed against the fourth respondent.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 3.

3. There is a long history of dispute between the family of the petitioner and the fourth respondent herein. Earlier, a suit was filed against the petitioner's husband in O.S.No.667 of 1996, which was allowed by the Trial Court by judgment and decree dated 27.08.1999 along with the suit filed in O.S.No.350 of 1996. The issue came before the Principle Bench of this Court in S.A.(MD) Nos. 799 and 800 of 2005, in which, the Second Appeal preferred by the petitioner's



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husband was S.A.(MD) No.800 of 2005 was partly allowed. The Court by its common judgment and decree dated 23.07.2012 observed as under:

“It may be true that the defendants are not able to produce any material to show that Dhayathees of Kollapani are in any manner entitled to the management and administration of the temple and its properties. However, the plaintiff side witness P.W.1 would not definitely deny the right of Dhayathees of Kollapani group in this regard. He is only conveniently evade to answer such case suggested to him in the course of cross examination. But, as far as the immovable property bearing Door Nos.222 and 224 are concerned, the same are leased out to the defendants and the defendants executed the documents from 1979 onwards, not in favour of the plaintiff trust, but only in favour of the temple. While Exs.A12, dated 01.04.1979 is the supportive letter given by the defendatns 1 & 2 in favour of the plaintiff trust, Ex.A13, dated 14.03.1986, is executed by second defendant K.Aarogyaraj S/o.Kandasamy and two other tenants and Ex.A14 is again executed by the first defendant and two other tenants. As a matter of fact, the body of Ex.A14 refers to the name of the second defendant, but the same is signed by the first defendant and not by the second defendant. The temple is only referred to as the owner of the non-residential building in the documents.”

4. It is noticed that against the judgment and decree in S.A.(MD) No. 799 of 2005, Review Petition in Rev.P(MD) No.24 of 2014 was filed by the President, Vadivasal Srinivasa Perumal Kovil Trust, Rajapalayam and the same is also pending before this Court.



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5. The case of the petitioner is that the fourth respondent is excluding the petitioner and her family from entering the temple stating that the temple was a private temple, belonging to the fourth respondent.

6. It is submitted that the temple is an ancestral temple of the family of the petitioner as well as the fourth respondent and their pangalees and therefore, the petitioner is entitled to equal right to worship the deity in the aforesaid temple namely, Arulmigu Sri Vadivasal Perumal Temple, Rajapalayam, Virudhunagar District.

7. Having considered the submissions made by the learned counsel for the petitioner and considered the fact that the suit, that was filed against the petitioner's husband in O.S.No.667 of 1996, was allowed and thereafter, the decision was reversed by this Court in S.A.(MD) No.800 of 2005 vide order dated 23.07.2012 along with S.A.(MD)No.799 of 2005 against the judgment and decree in O.S.No.350 of 1996 filed against the tenants, this Court is inclined to direct the second respondent to consider the petitioner's representation strictly in accordance with law after due notice to the fourth respondent, within a period of



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six weeks from the date of receipt of a copy of this order. Needless to state, before passing the order, the fourth respondent shall be heard.

This Writ Petition is disposed of, with above directions. No costs.

Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
apd

03.06.2024

To

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C.SARAVANAN, J.

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