



W.P.(MD) No.11252 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.11252 of 2024
and
W.M.P.(MD) No.10007 of 2024**

Kumar@Kandasamy

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.

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

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur.

4.The Inspector,
Hindu Religious and Charitable Endowments Department,
Thirukaattupalli,
Thanjavur District.

5.M.Sivakumar.

... Respondents

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



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issuance of Writ of Mandamus to forbear the respondents 1 to 4 from taking over the control or administration of Arulmigu Sangenthi Muthiah Iyyanar and Karuppar Temple, Palayapatti South, Boothalur Taluk, Thanjavur District from the petitioner and his men, without any notice or any enquiry.

For petitioner : Mr.V.R.Shanmuganathan

For respondents : Mr.P.Subbaraj
Special Government Pleader for R1 to R4
Mr.MGnanagurunathan for R5

ORDER

The petitioner has filed this Writ Petition for a Writ of Mandamus to forbear the respondents 1 to 4 from taking over the control of the administration of Arulmigu Sangenthi Muthiah Iyyanar and Karuppar Temple, Palayapatti South, Boothalur Taluk, Thanjavur District from the petitioner and his men, without any notice or any enquiry.

2. Earlier, the fifth respondent had approached this Court in W.P.(MD).No. 9489 of 2024 for the following relief:

“Directing the respondents 1 and 2 to protect the deities and temple, namely Karuppar Kovil situated at Palayapatti South Villge, Budalur Taluk, Thanjavur District by bringing the said temple under the control of Hindu Religious Charitable and Endowment Department by considering the representation given



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3. The Writ Petition was disposed of at the time of admission, with the following observations:

“3.The learned Government Advocate for the respondents 1 to 3 would draw attention to the communication dated 02.02.2024 addressed to the petitioner, wherein the Assistant Commissioner, HR & CE, Thanjavur has informed the petitioner that the enquiry has been initiated, pursuant to the representation of the petitioner.

4.It is further submitted that the enquiry will be completed and appropriate orders will be passed within a period of 3 months.

5.Recording the above submission the Writ Petition stands disposed of by directing the second respondent to pass appropriate orders on merits and in accordance with law within a period of 3 months from the date of receipt of a copy of this order. No costs.”

4. Pursuant to the above, the fourth respondent/Inspector of TNHR&CE Department has also sent notice to the petitioner to come for an enquiry on 18.05.2023 at 11.00 a.m.

5. It is the case of the petitioner that the petitioner was also proceeded



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against by some of the private respondents in Crime No.252 of 2023 before the Sengipatti Police Station, Thanjavur District for the alleged offences committed by the petitioner under Sections 294(b), 420, 468, 474, 506(2) of IPC r/w 21(1) of the Mines and Minerals (Development and Regulations) Act, 1957 and that the complaint was given by one Rajendran Poosari/sixth respondent in W.P.(MD).No. 9489 of 2024 in connection with the alleged misappropriation of the office in the temple festival and Kumbabhisekam.

6. It is submitted by the learned counsel for the petitioner that the FIR has been closed on the ground that there was a mistake of fact.

7. It is further submitted that the enquiry was held with the petitioner during the month of May 2023 and no orders have been passed. While so, the respondents have now issued notice directly to the Poosari of the temple as if this Court had given a direction to the TNHR&CE Department to take over control of the administration the temple.

8. It is submitted that this exercise is contrary to the orders passed by this



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Court in W.P.(MD)No.9489 of 2024 dated 18.04.2024.

9. It is, therefore, submitted that the attempt of the TNHR&CE Department to take over the temple, which is private temple, is unwarranted and without following due procedure of law and without notice to the petitioner.

10. Considering the arguments advanced by the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 4, the Court is of the view whether the temple can be brought within the purview of TNHR&CE Department or not, this is to be decided by the TNHR&CE Department in accordance with the provisions of the TNHR&CE Act, 1959 and the Rules made thereunder. In case any proposal to take over the temple and bring within the purview of the TNHR&CE Act, 1959 and the Rules made thereunder, the petitioner, who claims himself to be the interim Hereditary Trustee of the temple, shall also be given further notice.

11. Therefore, this Writ Petition is disposed of by directing the respondents to comply with the principles of natural justice, in case the temple is



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to be taken over by the TNHR&CE after due notice to the petitioner within a period of six weeks from today.

Index : Yes / No
Internet : Yes / No
apd

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C.SARAVANAN, J.

apd

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