



W.P.(MD) No.13603 of 2021

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 01.03.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P.(MD) No.13603 of 2021

and

W.M.P.No.10544 of 2021

R.S.Sankara Narayanan

... Petitioner

Vs.

- 1.The Secretary to Government,  
Tourism, Culture and Religious,  
Endowments Department,  
Fort St George,  
Secretariat,  
Chennai-600 009.
- 2.The Commissioner,  
Hindu Religious & Charitable Endowments,  
Administration Department,  
Nungambakkam,  
Chennai-600 034.
- 3.The Joint Commissioner,  
Hindhu Religious & Charitable Endowments,  
(Administration) Department,  
Tirunelveli.



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4.The Assistant Commissioner,  
Hindu Religious & Charitable Endowment,  
AR Lion Road,  
Palayamkottai Taluk,  
Tirunelveli District.

5.The Trustee,  
Arulmighu Agatheeswaran Thirukoil,  
Ambasamudram,  
Tirunelveli District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records relating to the order of the first respondent dated 16.04.2021 made in G.O. (Ms).No.76, Tourism, Culture and Religious Endowments Department, confirming the order dated 14.01.2020 made in R.P.No.104 of 2019 on the file of the Commissioner, Hindhu Religious and Charitable Endowments Department, the second respondent herein confirming the order dated 09.03.2019 made in M.P.No.16/2018 on the file of the joint Commissioner, Hindu Religious and Charitable Endowments Department, Tirunelveli, third respondent herein and quash the same.

|                |                                                |
|----------------|------------------------------------------------|
| For Petitioner | : Mr.A.V.Arun                                  |
| For R1 to R4   | : Mr.P.Subbu Raj<br>Special Government Pleader |
| For R5         | : Mr.Thirumal                                  |



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### **ORDER**

This writ petition has been filed as against the order passed by the first respondent in G.O.(Ms).No.76, Tourism, Culture and Religious Endowments Department dated 16.04.2021 confirming the proceedings of the Commissioner in the revision Petition No.104 of 2019 dated 14.01.2020 and the order passed by the third respondent in M.P.No.16 of 2018 dated 09.03.2019.

2. The fifth respondent is the trustee of the Arulmighu Agastheeswaran Thirukoil temple and he initiated action to evict the petitioner from the premises of the above said temple. Therefore, the petitioner has filed a suit before the District Munsif Court, Ambasamudram in the year 2015 in O.S.No.105 of 2015 seeking for the relief of permanent injunction restraining the trustee from vacating him from the shop. The suit was dismissed. Thereafter, the respondents have initiated action against this petitioner along with the fourth respondent by referring the notice for evction under Section 78 of HR & CE Act. The Joint Commissioner by his order dated 09.03.2019 in M.P.No.16 of 2018



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has passed an order of eviction. As against the eviction order, petitioner has filed a revision before the Commissioner in R.P.No.104 of 2019 and the same was also dismissed on 14.01.2020. As against the dismissal order, the petitioner has preferred another revision under Section 114 of HR & CE Act before the first respondent and the same was also dismissed by the order impugned in this writ petition.

3. The learned counsel for the petitioner submits that the fifth respondent temple is a denomination temple and therefore, the respondents cannot initiate the proceedings under Section 78 of HR & CE Act. In this regard, he has also relied upon the provisions under Section 107 of HR & CE Act. According to the learned counsel, if it is a denomination temple, the provisions under the HR & CE Act cannot be applicable.

4. The learned counsel for the fifth respondent and the learned counsel for the HR & CE department submit that the subject temple is a public temple and it is under the control of HR & CE Department and HR & CE Department has also provided ITMS No.37926, to the temple.



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5. Since the issue raised by the petitioner has already been decided by the Commissioner and by the Government, this Court is not inclined to entertain this Writ petition. When the temple itself claims that it is a public temple, the tenant is not having any right to claim that it is a denomination temple. Accordingly, this Writ Petition is dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

**01.03.2024**

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

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