



W.P.(MD) No.12295 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.12295 of 2024
and
W.M.P.(MD)Nos.10906 to 10908 of 2024**

Karuppaiah

Vs.

... Petitioner

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
S.M.Road, Near Temple Tower Hotel,
Thanjavur.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukottai.

4.The Executive Officer,
Hindu Religious and Charitable Endowment Department,
Pudukottai Thirukovilkal (Near Parkathambal Thirukovil)
Thirukokarnam,



W.P.(MD) No.12295 of 2024

Pudukottai.

5.Raman.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned resolution No.70 dated 02.08.2023 passed by the 2nd respondent and impugned order passed by the 4th respondent vide his proceedings in Na.Ka.No.506/2014/Jo, dated 04.10.2023 and subsequent recommendation of the 2nd respondent vide his proceedings in Na.Ka.No.14801/2023/A2 dated 26.12.2023 and quash the same as illegal and consequently, direct the 2nd respondent to appoint the petitioner as Poojari to Sree Maavayal Kattu Ayyanar Temple at Keelathaniyam Village, Ponnamaravathi Taluk, Pudukottai.

For petitioner : Mr.K.P.Narayanakumar

For respondents : Mr.P.T.Thiraviam
Government Advocate for R1 to R3
Mr.G.Mathavan for R4
Mr.Baburajendran for R5

ORDER

Heard learned counsel for the petitioner, learned Government Advocate for the respondents 1 to 3 and the learned counsel for the respondents 4 and 5.

2. The petitioner was appointed as a Poojari for the temple festival



W.P.(MD) No.12295 of 2024

WEB COPY during 2023 by this Court in W.P.(MD).Nos.16699 and 17297 of 2023 dated 18.07.2023. Relevant portion of the order in W.P.(MD).Nos.16699 and 17297 of 2023 reads as under:

6. Therefore, this Court is passing the following directions:

(i) The petitioner namely, K.Karuppaiah son of Kulanthai shall perform the ritual of Kaapukattu. All other claimants and the devotees shall celebrate the Aadi function under the Karuppaiah's Kaapukattu.

(ii) For the smooth functioning of the festival, the said Karuppaiah is also directed as poosari. However, the right of poosariship is given only for temporary period. He cannot claim any rights for poosariship after the festival is over. Therefore, the said karuppaiah is directed to perform his poosariship subject to the aforesaid condition."

3. The petitioner has now questioned the appointment of the fifth respondent by the fourth respondent, as a Poojari, vide impugned letter dated 04.10.2022 bearing reference No.Na.Ka.No.506/2014/Jo.

4. The specific case of the petitioner is that earlier, one Chinnadurai was officiating as a temple Poojari. However, he has made several alienations including alienations to the fifth respondent. It is submitted that the alienations were illegal and therefore, the fourth respondent ought not to have appointed the



W.P.(MD) No.12295 of 2024

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fifth respondent as a Poojari even in the temporary capacity.

5. On behalf of the fourth and fifth respondent, respective counsel submit that the alienation made in favour of the fifth respondent was without knowledge of the fifth respondent by said Chinnadurai that the property was a temple property. Therefore, the fifth respondent has filed a suit in O.S.No.11 of 2024 before the District Munsif Court, Pudukottai to declare the aforesaid gift deed executed in the year 2010 is null and void.

6. The learned counsel for the fifth respondent would submit that about twelve different sale deeds were executed by the said Poojari namely, Chinnadurai and eleven of them were unregistered and in all twelve sale deeds, the petitioner herein is the attesting witness and therefore, the petitioner has no locus to question the temporary appointment made by the fourth respondent.

7. The learned counsel for the official respondents/respondents 1 to 3 would submit that the Supervisor of the temple had taken a decision to appoint the fifth respondent as only two applications were received. One by the petitioner



W.P.(MD) No.12295 of 2024

WEB COPY

and another by the fifth respondent.

8. Having considered the submissions made by the learned counsel for the petitioner, the learned Government Advocate for the official respondents/respondents 1 to 3 and the learned counsel for the respondents 4 and 5, this Court is of the view that neither the petitioner nor the fifth respondent is entitled to officiate as Poojari, whether in temporary capacity or in permanent capacity as both of them seem to have *prima facie* indulged in alienation of the temple properties with the connivance of the said Chinnadurai who has, now, been suspended.

9. It is noticed that the Joint Commissioner in his communication to the Commissioner dated 26.12.2023 bearing reference in Na.Ka.No.14801/2023/A2 has also informed the Commissioner for appointment of temporary basis as there is no Poojari.

10. Considering the same, the official respondents/respondents 1 to 3 are directed to make an enquiry and take steps for retrieving the temple



W.P.(MD) No.12295 of 2024

properties, which have been alienated by the said Chinnadurai in connivance with the petitioner and also the fifth respondent.

11. The official respondents/respondents 1 to 3 are directed to take steps to ensure that a person, without any blemish, is appointed as a Poojari. This exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

12. The position, as on date, shall continue for a period of two weeks from the date of receipt of a copy of this order, since both the petitioner and the fifth respondent are not in clean hand. The official respondents/respondents 1 to 3 may endeavour to appoint a temporary Poojari in place of the fifth respondent.

This Writ Petition is disposed of, with above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
apd

14.06.2024



W.P.(MD) No.12295 of 2024

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W.P.(MD) No.12295 of 2024

C.SARAVANAN, J.

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W.P.(MD) No.12295 of 2024

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