



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) 13863 and 13864 of 2024
and**

W.M.P.(MD) Nos.12189, 12190, 12191 and 12192 of 2024

1.S.Chandrasekaran

2.P.Chandramouli

3.A.Viswanathan

4.J.Ram

5.K.Jayendran

... Petitioners in all W.Ps.,

/vs./

1.State of Tamil Nadu,
represented by its Secretary,
Department of Culture,
Tourism and Religious Endowments,
Secretariat,
Fort St.George,
Chennai 600 009.

2.The Commissioner of Hindu Religious & Charitable Endowments
Nungambakkam High Road,



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Chennai 600 034.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowments
Thanjavur, S.M.Salai,
Thanjavur 613 001.

4.The Assistant Commissioner,
Hindu Religious & Charitable Endowments
Thanjavur, S.M.Salai,
Thanjavur 613 001.

5.P.Balasubramaniam

6.V.P.Elangovan

7.V.Periyasamy

8.V.Annadurai

9.K.Chandrasekaran

10.T.Sasikumar

11.P.Surimeenakshisundaram

12.H.Sundararajan

13.V.S.Mahalingam

.. Respondents in all W.Ps.,

PRAYER in W.P.(MD) No.13863 of 2024: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd to 4th respondents to permit the Petitioners to carry out the Thirupani/Renovation



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works of Permanar Temple, Varagur village, Thanjavur District.

PRAYER in W.P.(MD) No.13864 of 2024: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records relating to the Order passed in G.O.(P) No. 50, dated 19.02.2024 passed by the 1st Respondent, quash the same as well as the consequent orders passed by the 2nd Respondent dated 01.03.2024 in Na. Ka.No.77322/2022/A2 and by the 3rd Respondent dated 11.06.2024 in Na. Ka. No.1507/2024/A6.

For Petitioners
in all W.Ps., : Mr.G.Rajagopalan Senior Counsel for
Mr.G.R.Associats

For R1 to R4 : Mr.P.Subbaraj
Special Government Pleader

For R10 : Mr.Ailayaperumal

COMMON ORDER

W.P.(MD) No.13863 of 2024 has been filed by the petitioners for a Writ of Mandamus to direct the respondents 2 to 4 to permit the petitioners to carry out the Thirupani/Renovation works of Permanar Temple, Varagur village, Thanjavur District.



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2.W.P.(MD) No.13864 of 2024 has been filed by the petitioners for a Writ of Certiorari to quash the order passed in G.O.(P) No.50, dated 19.02.2024 by the first respondent as well as the consequent orders passed by the second respondent in Na. Ka.No.77322/2022/A2 dated 01.03.2024 and by the third respondent dated 11.06.2024 in Na. Ka. No.1507/2024/A6.

3.These writ petitions are being disposed of at the time of admission after hearing the learned Senior Counsel for the petitioner, learned Special Government Pleader for the respondents 1 to 4 and the learned counsel for the 10th respondent, as no adverse orders are proposed to be passed at this stage.

4.Already, this Court had passed orders on 02.08.2022 in W.P.Nos.13527 of 2020 and 25812 of 2021, whereby the attempt of the HR & CE Department to instal a Fit Person in the place of hereditary trustee was interfered with by passing the following order:

“13.I have considered the arguments advanced by the learned counsel for the petitioners and the learned counsel for the respondents. The issue before this Court in these writ petitions were confined only to the correctness or the order passed by the Government for appointing a fit person by an order dated 08.09.2020.



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14. The order passed by this Court on 06.07.2021 has set aside the impugned Government Order in G.O.Ms.No.92 Tourism, Culture and Religious Endowments(R.E.3-1) Department dated 08.09.2020.

15. However this court had also left the few issues open and this Court wanted a report of the Archaeological department who had inspected the temple, which report was to be taken into account in deciding the matter, as it is evident from reading of para 11.

16. The Commissioner was required to pass order covering all issued as may be identified from the communications exchanged inter se the parties thus far, including but not restricted to whether the present petitioners would constitute hereditary trustees of the temples and the grant of sanction for the Thirupani work as regards the Sri Peramanar Temple. The report of the member of the Archaeological Department who had inspected the temple was be taken into account for deciding the issue.” The evidence recorded by the Joint Commissioner vide order dated 20.04.2022 bearing reference Se.Mu.Na.Ka.No.4301/2021/A4 shall be taken to be evidence by the second respondent, Commissioner.

17. The 2nd Respondent/Commissioner is therefore directed to pass final orders in terms of order dated 06.07.2021. Needless to state, before passing such orders, the 2nd Respondent/Commissioner shall give an opportunity of hearing to the Members of the Sethi Community and the Local Devotees and complete the above exercise within a period of four months from the date of receipt of a copy of this order. The grounds of Appeal before the Commissioner shall be treated as written submissions of the petitioner.

18. W.P.No.13527 of 2020 stands disposed in terms of the above observations. Therefore, no further orders are required in W.P.No.25821 of 2021. Thus, W.P.No.25812 of 2021 stands closed. No Costs. Consequently, the connected Miscellaneous Petitions are closed.”



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5.The aforesaid order has not been complied with till date. Instead, the impugned order has been passed, thereby a Fit Person has been appointed.

6.The learned Special Government Pleader would submit that due to the administrative reason, the Commissioner has not passed an order pursuant to the aforesaid order dated 02.08.2022. It is submitted that appropriate orders will be passed as expeditiously as possible and therefore, time may be fixed by this Court.

7.Having considered the submissions made by the learned Senior Counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 4, these Writ Petitions stand disposed of by directing the second respondent/the Commissioner to pass final orders pursuant to the order dated 02.08.2022 passed in W.P.Nos.13527 of 2020 and 25812 of 2021 within a period of 12 weeks from the date of receipt of a copy of this order. Pending such exercise, the impugned orders dated 19.02.2024 appointing the Fit Person shall be kept in abeyance.



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8.The prayer in W.P.(MD) No.13863 of 2024 seeking for a Mandamus to direct the respondents 2 to 4 to permit the petitioners to carry out the Thirupani/Renovation works of Permanar Temple, Varagur village, Thanjavur District cannot be considered at this stage, in view of the matter being subjudiced before the Commissioner. Subject to further orders to be passed by the Commissioner pursuant to the order dated 02.08.2022 passed in W.P.Nos.13527 of 2020 and 25812 of 2021, the petitioner's request for carrying on Thirupani work for the proposed Kumbabishekam shall be considered and disposed of on merits. It is needless to state that the petitioner and the private respondents herein shall be heard before the final orders are passed.

9.The Writ Petitions stand disposed of, with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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To

1. Secretary,
Department of Culture,
Tourism and Religious Endowments,
Secretariat,
Fort St. George,
Chennai 600 009.
2. The Commissioner of Hindu Religious & Charitable Endowments
Nungambakkam High Road,
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C.SARAVANAN, J.

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