



W.P.(MD) No.15010 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.15010 of 2024

and

W.M.P.(MD) Nos.13167 & 13168 of 2024

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... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Sivagangai.

2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Paramakudi, Ramanathapuram District.

3.The Fit-Person,
(Executive Officer of Arulmigu Koppudaiyanayagi
Amman Thirukoil, Karaikudi, Sivagangai District),
Arulmigu Nallamuthu Mariamman Temple,
Vairavapuram, Karaikudi, Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the second respondent dated 20.06.2024 in Na.Ka.No.1391/2024/A7 and quashing the same and consequently forbearing the respondents more particularly from interfering with the



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temple administration by any means since continuation is against conditions for appointment of executive officers Rules, 2015.

For Petitioner : Mr.J.Anandkumar
For R1 & R2 : Mr.P.Subbaraj
Special Government Pleader
For R3 : Mr.V.R.Shanmuganathan
Standing Counsel

ORDER

In this Writ Petition, the petitioner has challenged the impugned communication of the second respondent Assistant Commissioner, Hindu Religious and Charitable Endowments Department, dated 20.06.2024 issued to the Inspector of H.R. & C.E. Department, Karaikudi, the Thakkar of the Temple and etc.

2. There is a long history of litigation in respect of the subject temple namely, Arulmigu Nallamuthu Mariamman Temple situated at Vairavapuram, Karaikudi, Sivagangai District. Earlier, a PIL came to be filed before this Court in W.P.(MD) No.6941 of 2019 against the officials and one A.K.M.Pandi, the Ex-President of Sankarapuram Village Panchayat. It appears that the said A.K.M.Pandi had given an undertaking before this Court that he would not interfere with the conduct of the



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temple festival in 2019. The said Writ Petition is still pending before the

Hon'ble Division Bench of this Court.

3. Meanwhile, the Temple was brought within the purview of the H.R. & C.E. Department on 01.03.2019 and thereafter, a Fit Person was appointed on 17.05.2019 by the second respondent Assistant Commissioner under Section 49 of the H.R. & C.E. Act, 1959.

4. The petitioner herein has filed R.P.No.1 of 2019 before the first respondent Joint Commissioner challenging the appointment of fit person which is also still pending. It appears that W.P.(MD) No.14027 of 2019 was filed by one of the trustees before this Court challenging the appointment of fit person. The said Writ Petition is also said to be pending.

5. It is noticed that another W.P.(MD) No.14664 of 2019 is also pending before this Court, wherein, the proceedings of the fit person asking the petitioner and other trustees to hand over the control of the temple has been challenged. No orders have been passed in the said Writ Petition.



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6. Meanwhile, the second respondent Assistant Commissioner *vide* impugned communication dated 20.06.2024 has directed the Inspector of H.R. & C.E. Department to open the undial “உண்டியல்” to count the collections and send a report to the second respondent in this regard.

7. The learned counsel for the petitioner would submit that the order appointing a fit person on 17.05.2019 which is subject matter before the first respondent Joint Commissioner in R.P.No.1 of 2019 has come to an end in terms of Rule 3(x) of the Conditions for Appointment of Executive Officers Rules, 2015.

8. The learned Standing Counsel for the third respondent, on the other hand, would submit that the said Rule *vide* G.O.(Ms) No. 260, Tourism, Culture and Religious Endowments (RE4-2) Department, dated 06.11.2015, is not applicable to the fit person as it applies only to the executive officer.

9. I have considered the arguments advanced by the learned counsel for the petitioner, learned Special Government Pleader for the first and



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second respondents and the learned Standing Counsel for the third respondent.

10. In my view, the relief sought for in this Writ Petition cannot be granted to the petitioner as admittedly, there are Writ Petitions pending before this Court challenging the appointment of fit person as also the taking control of the temple on 17.05.2019 and 02.07.2019 respectively in W.P.(MD) No.14027 of 2019 and W.P.(MD) No.14664 of 2019 respectively. That apart, a PIL in W.P.(MD) No.6941 of 2019 is also said to be pending before this Court, apart from R.P.No.1 of 2019 before the first respondent, wherein, the correctness of the order passed by the second respondent Assistant Commissioner under Section 49 of the H.R. & C.E. Act on 17.05.2019 has been challenged and has been put *jeopardy*. Therefore, the proposed exercise to open the undial “உண்டியல்” cannot be curtailed at this stage. For the above reasons, this Writ Petition is liable to be dismissed.

11. However, I give liberty to the petitioner to be present at the time of counting of collections.



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12. The second respondent is directed to maintain the proper account of the collections and also install a new undial “உண்டியல்” with proper seal. This exercise shall be completed by the second respondent in the presence of the third respondent as also the Inspector of H.R. & C.E. Department, within a period of one week from today. Needless to state, the petitioner and other persons who claim to be trustees may be allowed to be present at the time of counting.

13. Since R.P.No.1 of 2019 is pending before the first respondent for almost 5 years, I direct the first respondent to dispose of the same as expeditiously as possible, within a period of 4 months from the date of receipt of a copy of this order.

14. In the result, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
JEN



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Copy To:

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C.SARAVANAN, J.

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