



W.P(MD)No.16519 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.16519 of 2021

Gnanasambandham.A.R,
S/o A.Ramasamy Thevar,
Hereditary Trustee,
Arulmighu Vadivalagi Amman Thirukovil,
Kanniyakkurichi- 614 017,
Pattukkottai Taluk,
Thanjavur District.

... Petitioner

Vs

1.The Commissioner,
Hindu Religious Charitable and
Endowments Department,
Uttamar Gandhi Salai,
Nungambakkam,
Chennai.

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

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



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

5. A.R.Jayapal,
Managing Trustee,
Arulmighu Vadivalagi Amman Thirukkivil,
Kanniyakkurichi 614017,
Pattukkottai Taluk,
Thanjavur District.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent herein to conduct the enquiry and take necessary action against the 5th respondent on the basis of the petitioner's representations dated on 27.06.2018, 05.07.2018 and 15.12.2018 respectively within the time stipulated by this Court.

For Petitioner	: Mr.K.Rajesh
For R1 to R4	: Mr.P.Subba Raj Special Government Pleader
For R5	: Mr.S.Prabhu

ORDER

The petitioner is one of the hereditary trustees of
Arulmighu Vadivalagi Amman Thirukovil, Kanniyakkurichi,



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Pattukkottai Taluk, Thanjavur District. He has approached this Court with certain allegations as against his own brother/the fifth respondent herein, the Managing Trustee of the above temple that he has collected donations under the guise of Kumbabishekam from several devotees and misappropriated the amount. With this allegation the petitioner has submitted a representation on 27.06.2018 and filed this writ petition that the respondents have not acted upon it.

2.The learned counsel appearing for the petitioner submits that he is having sufficient document to establish his case before the Joint Commissioner that the fifth respondent has collected money under the guise of Kumbabishekam of the subject temple.

3.In reply, the learned counsel for the fifth respondent submits that on the personal animosity, the petitioner has raised this allegation as against this fifth respondent and he has not collected



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any amount from the devotees. Certain renovation works in Amman Sannathi and Maha Mandapam were carried out by the donors and the fifth respondent has not collected any amount as projected by the petitioner. The petitioner has filed a suit in O.S.No.92 of 2018 before the District Munsif Court, Pattukottai for the relief of permanent injunction restraining the fifth respondent and other official respondents to renovate the temple and the suit is pending. He further submits that on the allegation of maladministration of the temple, certain charges were framed as against the petitioner by the Joint Commissioner.

4.The learned Special Government Pleader appearing for the official respondents submits that in view of the pendency of this writ petition, they have not conducted the enquiry.

5.This Court considered the rival submissions made and also perused the materials placed on record.



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6.The petitioner one of the hereditary trustees has submitted a representation to the second respondent on certain allegations as against the Managing Trustee that he has collected money from the devotees under the guise of Kumbabishekam of the subject temple. This representation was made in the year 2018. The second respondent has not acted upon that representation. Therefore, the petitioner has filed this writ petition in the year 2021. Even after receipt of notice in this writ petition, the second respondent has not conducted any enquiry. The allegations made as against the fifth respondent appears to be serious in nature, which needs to be enquired and to ascertain whether any such donations have been collected in the name of the temple. This attitude of the Joint Commissioner in not considering the petitioner's representation is not proper, when serious allegations have been made as against the Managing Trustee of the temple.



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7.In view of the above, this writ petition is disposed of with a direction to the second respondent to conduct an enquiry on the allegation made by the petitioner and pass a detailed order to that effect. In the event, if the petitioner has filed a vexatious petition, the same can be recorded in the order and the fifth respondent is at liberty to file a suit as against the petitioner for any damages, if he is so advised. No costs.

15.03.2024

NCC:Yes/No
Index:Yes/No
Internet:Yes
vrn



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B.PUGALENDHI, J.

vrn

Order made in
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