



W.P.(MD) Nos.16626 to 16628 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) Nos.16626 to 16628 of 2024

and

W.M.P.(MD)Nos.14396 to 14399, 14403, 14404 of 2024

In W.P.(MD)No.16626 of 2024:

C.Ayyadurai

... Petitioner

Vs.

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

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

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukottai – 622 001.

4.The Fit Person/Executive Officer,
Arulmigu Muthu Mariamman Temple,
Arasarkulam North,
having office at
Arulmigu Veera Maakaliamman Temple,



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Aranthangi,
Pudukottai.

5.A.Thiruselvam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records relating to the impugned order issued by the 3rd respondent to set aside the proceedings in Se.Mu.Na.Ka.no.4691/2022/E1 dated 12.06.2024 which is against the express provisions of law (i.e., Section 25-A (b), 26 (h), 26(i), 26(1-A)(a)&(e), 48(1) and 49(1) Proviso Clause under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and without following the due process of law under Article 21 of the Constitution of India (Just, Fair and Reasonable Principle) and quash the same.

In W.P.(MD)No.16627 of 2024:

A.Gunasekaran

... Petitioner

Vs.

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

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

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukottai – 622 001.

4.The Fit Person/Executive Officer,
Arulmigu Muthu Mariamman Temple,
Arasarkulam North,

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having office at
Arulmigu Veera Maakaliamman Temple,
Aranthangi,
Pudukottai.

5.A.Thiruselvam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records relating to the impugned order issued by the 3rd respondent to set aside the proceedings in Se.Mu.Na.Ka.no.4691/2022/E1 dated 12.06.2024 which is against the express provisions of law (i.e., Section 25-A (b), 26 (h), 26(i), 26(1-A)(a)&(e), 48(1) and 49(1) Proviso Clause under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and without following the due process of law under Article 21 of the Constitution of India (Just, Fair and Reasonable Principle) and quash the same.

In W.P.(MD)No.16628 of 2024:

Kanagambal

... Petitioner

Vs.

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

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

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukottai – 622 001.

4.The Fit Person/Executive Officer,

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Arulmigu Muthu Mariamman Temple,
Arasarkulam North,
having office at
Arulmigu Veera Maakaliamman Temple,
Aranthangi,
Pudukottai.

5.A.Thiruselvam.

... Respondents

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For petitioner
in all W.Ps

: Mr.Ramesh Mahadev

For respondents
in all W.Ps

: Mr.P.Subbaraj
Special Government Pleader for R1 to R3
Mr.G.Mathavan
Standing Counsel for R4

COMMON ORDER

By this common order these three Writ Petitions are taken up for disposal.

2. Already an order has been passed yesterday i.e.23.07.2024 in W.P.



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(MD)No.16629 of 2024 filed by one V.Mathiyalagan. Relevant portion of the said order reads as under:

“14. I have considered the arguments advanced by the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 to 3 and the learned Standing Counsel for the fourth respondent.

15. It appears that there is an attempt to derail the Kumbhabhisekam of the Temple on account of the dispute among the members of Thirupani Committee and the donors, primarily, on account of the appointment of the fifth respondent as the Chairman of the Thirupani Committee. Earlier, W.P.(MD)No. 21336 of 2023 was filed by one C.Ayyadurai, for the following relief:

“Directing the respondents 1 to 4 herein to conduct 'Palalayam' ceremony, renovation works, Kumbabhishekam and other ceremonies related thereto in Arulmigu Muthumariamman Temple at Arasarkulam North Village, Aranthangi Taluk, Pudukottai District in a transparent manner by convening meeting with the donors and putting up hoardings displaying the details of works, expenses and the source of expenditure by considering the petitioner's representations, dated 27.01.2023 and 28.08.2023.”

16. In that Writ Petition, the Court by its order dated 01.09.2023, had observed that the fifth respondent herein (fifth respondent therein also) cannot be restricted merely because there were allegations against the fifth respondent's father. Therefore, the name of the fifth respondent was to be included in the Thirupani Committee. Relevant portion of the said order dated 01.09.2023 is reproduced below:



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“4. The apprehension of the Petitioner is that the 5th respondent would interfere in the administration of the temple and also in conducting the festival and he may demand to include his name as a member in the Festival Committee. The 5th respondent cannot be restrained, since there was allegation against the 5th respondent's father alone. Therefore, the 5th respondent is entitled to include as a member of Committees.

5. Therefore, considering the facts and circumstances of the case, this Court is passing the following Orders:

(i). Since the 'Palalayam' festival is to be performed on 03.09.2023, the same shall go on.

(ii) After completion of 'Palalayam' festival, the Fit person is directed to form a Committee and the Committee shall consist members from each Community. The 5th respondent is entitled to be included as a member of Committee.

(iii) The Committee shall conduct Kumbabhisekam in a transparent way.

(iv) If the 5th respondent is hindering peaceful conduct of the Kumbabhisekam, the other Committee members or the Fit person may prefer a complaint against the 5th respondent. Thereafter, the official respondents shall take action in the manner known to law.”

17. It appears that the Thirupani Committee has been constituted purportedly under the provisions of the Management and Preservation of Religious Institutions Rules, 1964. However, as per Rule 54(2) of TNHR&CE Act, 1959, the members shall elect one among themselves as the President of the Thirupani Committee. In the impugned order, the fifth respondent has been nominated as the Chairman (தலைவர்) by the third respondent.



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This is clearly contrary to the Management and Preservation of Religious Institutions Rules, 1964. Rule 54(2) of the TNHR&CE Act, 1959 reads as under:

“54. Thirupani Committee Members and Secretary:

(1) The Thiruppani Committee shall consist of the trustees of the temple as ex-officio members and such members who may be co-opted by the trustees. The formation of the Committee and the names of its members shall be reported:

(a) in respect of religious institutions not published under Section 46 of the Act, to the Assistant Commissioner having jurisdiction;

(b) in respect of religious institution published under Section 46(i) and Section 46(ii) of the Act, to the Joint Commissioner having jurisdiction;

(c) in respect of the religious institution published under Section 46(iii) of the Act, where the income of the institution does not exceed Rs. 50,00,000/- to the Commissioner;

(d) in respect of the religious institutions published under Section 46(iii) of the Act where the income of the institution exceeds Rs.50,00,000/- to the Government, for approval.

2. The members shall elect one among themselves as President of the Committee.”

*18. The Hon'ble Supreme Court has categorically held in the case of **The State of Uttar Pradesh vs. Singhara Singh and others reported in 1964 AIR 358** that when a particular thing to do in a particular manner; it should be done in that manner. The said decision has been followed by this Court in several cases. Therefore, this Court will not deviate from the aforesaid ratio, which has been followed by the Courts. Therefore, the Court is inclined to dispose of this Writ Petitions taking note of the overall circumstances.*



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19. *The fourth respondent is directed to proceed with the renovation of the temple irrespective of the co-operation by the petitioner or the donors or the members, who have been nominated by the third respondent as the members of the Thirupani Committee in the impugned order dated 12.06.2024 bearing reference in செ.மு.ந.க.எண்.4691/2022 இல்.*

20. *In case the nomination of the members to the Thirupani Committee is agreeable to the donors and other members of the Thirupani Committee may be allowed to continue with Thirupani activity as per the communication of the fourth respondent dated 18.07.2024. However, the fifth respondent cannot be designated as the Chairman (தலைவர்) as it is contrary to the Rule 54(2) of the TNHR&CE Act, 1959.*

21. *It is open for the members to nominate one among them as the Chairman/President of the Thirupani Committee, as per Rule 54(2) of the TNHR&CE Act, 1959.*

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

3. I do not find any reason to take a different stand in the present Writ Petitions as the reliefs sought for are one and the same.

4. In view of the above, these Writ Petitions are disposed of in terms of the order dated 23.07.2024 in W.P.(MD)No.16629 of 2024, which was filed by the



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WEB COPY said V.Mathiyalagan/petitioner therein. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

24.07.2024

Internet : Yes / No

apd

To

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambaakam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
S.M.Road nearly Temple Tower,
Thanjavur.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
North 3rd Street,
Pudukottai.

4.The Inspector,
O/o.Hindu Religious and Charitable Endowments Department,
Near Sri Nadiyamman Kovil,
Vadakadu Mudukkam,
Alangudi Taluk, Pudukottai.



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C.SARAVANAN, J.

apd

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