



W.P.(MD) No.17286 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.17286 of 2024

S.Lakshminarasimman

... Petitioner

/vs./

- 1.The Secretary,
Tourism, Culture and Religious Endowment Department,
Secretariat,
Chennai.
 - 2.The Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai.
 - 3.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment Department,
Sivagangai.
 - 4.The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment Department,
Sivagangai.
 - 5.The District Collector,
Collectorate,
Sivagangai District.
- ... Respondents**



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 5 to consider petitioner representations dated 01.07.2024 and to refrain from any actions that would interfere with the administration of Srikrishnan Temple pending the civil suit in O.S.No.115/2023 the Principal Subordinate Judge, Devakottai

For Petitioner : Mr.S.Madhavan

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition has been filed for a Writ of Mandamus to direct the respondents 1 to 5 to consider petitioner's representation dated 01.07.2024 and to refrain from taking any actions that would interfere with the administration of Srikrishnan Temple, pending the suit in O.S.No.115/2023 before the Principal Subordinate Court, Devakottai.

2.The specific case of the petitioner is that the temple is situated in T.S.No. 83, Ammachi Urani, Devakottai Vattam Nagar, Sivagangai District and is a denomination temple. It is submitted that it was established in the year 1927 by the ancestor of the petitioner, namely one Krishna Iyengar.

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3.It is submitted that the temple administration is sought to be disturbed by the Department even though a suit has been filed in O.S.No.115 of 2023 before the Principal Subordinate Court, Devakottai.

4.It is submitted that the petitioner as also the other plaintiffs have filed an application for an interim injunction, where the Department has taken time for filing counter. It is submitted that the Department has also not filed written statement. However, attempts are being made to take control of the temple by erecting the compound wall on one side of the temple property.

5.The learned counsel for the petitioner submits that there is a private dispute with the neighbor, which is being attempted to be solved by the petitioner, who is a hereditary trustee of the aforesaid temple.

6.On the other hand, the learned Special Government Pleader for the respondents would submit that the temple in question has been under the control of the HR & CE Department for a very long period of time and that presently, an



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attempt has been made to erect the compound wall as the compound wall has not been put up by the hereditary trustee. The HR & CE Department has sanctioned Rs.6.65 lakhs for raising the height of the compound wall.

7.Having considered the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader for the respondents, I am of the view that the writ petition for a Mandamus is unwarranted at this stage, as the petitioner has attempted to workout the remedy in O.S.No.115 of 2023 before the Principal Sub Court, Devakottai. However, the Department has not filed any counter, as a result of which the enquiry in the interim application filed for injunction has not been taken up.

8.Considering the same, I am inclined to dispose of this writ petition by giving liberty to the writ petitioner to press for the interim injunction in O.S.No. 115 of 2023 before the Principal Sub Court, Devakottai. Since the respondent temple has not filed counter, the purported attempt of the HR & CE Department to put up the construction shall be kept in abeyance for a period of 4 weeks from the date of receipt of a copy of this order.



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9.The respondents are directed to file written statement and counter in the said suit and in the interim application. The Principal Sub Court, Devakottai, shall dispose of the same as expeditiously as possible. The interim application filed in I.A.No.2 of 2023 for interim injunction shall be taken up for final hearing on 30.08.2024 and disposed of on or before 30.09.2024. Pending such exercise, the HR & CE Department shall keep all the proposed proceedings in abeyance. All further action will be subject to the interim order to be passed by the Principal Sub Court, Devakottai in O.S.No.115 of 2023.

10.With the above directions, the Writ Petition stands disposed of. No costs.

Index : Yes / No

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Internet : Yes / No

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Note: Registry is directed to mark a copy of this order to the Principal Sub Court, Devakottai for necessary action



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C.SARAVANAN, J.

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