



W.P.(MD)No.15430 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.15430 of 2023

and

W.M.P.(MD)Nos. 25073 of 2023 and 6263 and 6268 of 2024

Erachakulam Oor Nanjilnadu
Vellala Samuthayam Trust,
Rep. by its Trustee,
Kulathankarai Street,
Erachakulam, Thovalai Taluk,
Kanyakumari District.

... Petitioner

versus

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai – 600 006.

2. The Joint Commissioner,
Kanyakumari District Temples,
Hindu Religious and Charitable
Endowments Department,
Suchindram,
Kanyakumari District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to forbear the respondents herein from in any way interfering with the performance of daily Poojas, Ceremonies and festivals by the petitioner's trust at the denominational temple namely Muppidari Amman Temple and its other Sannathi Temples at Erachakulam Oor, Thovalai Taluk, Kanyakumari District.

For Petitioner : Mr.Meenakshi Sundaram,
Standing Counsel
for Mr.N.C.Ashok Kumar
For R1 : Mr.P.Subba Raj,
Special Government Pleader
For R2 : Mr.R.Sankar Ganesh

ORDER

The petitioner is a resident of Erachakulam Village and also a representative of Vellalar Community. He has filed this writ petition in the capacity as the Trustee of Erachakulam Oor Nanjilnadu Vellala Samuthayam Trust. This Trust, according to the petitioner, has established a Temple, namely, Sri Muppidari Amman Temple, at Erachakulam and the same is maintained by the Nanjilnadu Hindu



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Vellala Community people. The petitioner has now filed this writ petition for the relief of Mandamus, forbearing the respondents from in any way interfering with the performance of daily Poojas, Ceremonies and festivals by the Trust in the Arulmigu Muppidari Amman Temple and its other Sannathi Temples at Erachakulam Oor, Thovalai Taluk, Kanyakumari District.

2. The learned Senior Counsel appearing for the petitioner submits that the Arulmigu Muppidari Amman Temple was established by their community people several years back and it has been administered purely by the Najilnadu Hindu Vellala Community people. When there was an interference from the HR&CE Department in the year 1981, they have filed a Civil Suit before the Sub Court, Nagercoil, against the first respondent, seeking the relief of declaration that this Erachakulam Vellala Samuthayam Muppidari Amman Temple is a denomination Temple and the same was decreed in favour of the petitioner Trust by a Judgment and Decree dated 30.01.1982.



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However, the appeal filed by the first respondent was allowed and the petitioner Trust was directed to withdraw the suit with a liberty to file a fresh suit on the same cause of action after complying the requirements under Order I Rule 8 of C.P.C. Accordingly, the petitioner Trust has filed another suit in O.S.No.856 of 2004 before the Second Additional District Munsif Court, Nagercoil, on the same cause of action and the said suit was decreed on 08.02.2006 granting the relief of declaration declaring that Arulmighu Muppidari Amman Temple and its Sannadhis at Erachakulam Village, Thovalai Taluk, Kanyakumari District, is a denomination temple belonging to Nanjilnadu Hindu Vellala Samuthayam at Erachakulam Village and they are entitled to get protection under Article 26 of Constitution of India for managing and administering the Temple.

3. The learned Senior Counsel further submits that as per the Civil Court Decree, they are administering the Temple and there is no allegation of any mismanagement and maladministration on the affairs



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of the Temple. The grievance of the petitioner Trust is that the second respondent is insisting to give administration of the temple to other community people and also preventing the petitioner Trust from taking the deities from Sastha Temple during Panguni Uthiram Festival. Therefore, the petitioner has submitted a representation to the first respondent on 08.04.2023 informing about the decree obtained by the Trust and objections now raised by the Department. Since the said representation has not been considered, the petitioner has approached this Court.

4. The learned Senior Counsel appearing for the petitioner submits that though the Muppidari Temple is declared as a denomination temple, they are not preventing any other community people from offering worship to the deity. However, they are not inclined to allow any other person in the administration of the affairs of the Temple. The second respondent, without considering the decree, is insisting to give administration to other community people and



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therefore, the petitioner Trust has submitted a representation to the first respondent and filed this writ petition seeking the above relief.

5. The learned counsel for the second respondent filed a detailed counter affidavit and submits that the petitioner Trust, namely, the Erachakulam Oor Nachilnadu Vellala Samuthayam Trust is not a registered one and it has no uniqueness and it is only a group of people based on caste and it is not a different religious sect. The real names of said Dewaswoms are Irumudichozha Vinayagar, Erukkalam Kavudaya Kantan Sastha and Udayamarthandeswarar found in the serial numbers 65, 63 and 29 in the list of incorporated Dewaswoms under Section 6(12) in schedule I of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The Dewaswoms namely Irumudichozha Vinayagar, Erukkalam Kavudaya Kantan Sastha and Udayamarthandeswarar are respectively comprised in Survey Nos. 419/13, 430/7 and 417/15, 417/28 in Erachakulam Village and they were under the exclusive administration of Travancore Samasthanam.



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The said Dewaswoms were transferred to the Tamil Nadu HR&CE Department, while transferring the Kanyakumari District and Shencottah Taluk of Tirunelveli District among 490 Temples as per the State Reorganization Act, 1956.

6. The learned counsel appearing for the second respondent further submits that neither the Erachakulam Oor Nachilnadu Hindu Vellala Community nor the deity of Sri Muppidari Amman Temple have no rights over the Dewaswoms, namely, Irumudichozha Vinayagar Erukkalam Kavudaya Kantan Sastha and Udayamarthandeswarar and the properties belong to those Dewaswoms. The Erachakulam Arulmigu Erukkalam Kavudaya Kantan Sastha Temple is situated in the area of 25 Ares of land comprised in R.S.No.430/7 of Erachakulam Village. The temple is situated within the compound walls on four sides. He further submits that the properties having extent of 23.5 Ares in R.S.No.430/6, 25 Ares in R.S.No.430/7, 18 Ares in R.S.No.430/8, 35.5Ares in R.S.No.430/9,



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8 Ares in R.S.No.428/2, 5 Ares in R.S.No.428/9, 1 Ares in R.S.No.411/33, 18.5 Ares in R.S.No.372/5, 20.5 Ares in R.S.No.372/14, 3.5 Ares in R.S.No.455/1, 14.5 Ares in R.S.No.455/2, 41.5 Ares of land in R.S.No.455/3, 22 Ares of land in R.S.No.468/8, 43.5 Ares of land in R.S.No.477/3 and 05 Ares in R.S.No.477/6 at Erachakulam Village and all properties are belonging to Erachakulam Arulmigu Erukkalam Kavudaya Kantan Sastha Temple and the said temple is being managed and administered only by the 2nd respondent. Erukkalamukavudaya Kantan Sastha Temple is mentioned as Serial No.63 in Schedule I of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1955 as an incorporated Dewaswom. Erachakulam Arulmigu Udayamarthandeswarar Temple is situated in the area of 11 Ares in R.S.No.417 of Erachakulam Village, which is also under the management and administration of 2nd respondent and this temple as mentioned as Sl.No.29 in Schedule I of the Tamil Nadu Hindu Religious & Charitable Endowment Act, 1955. Likewise, Erachakulam Arulmigu Irumudichozha Vinayagar Temple is situated in 3 Ares of



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land in R.S.No.419/13 of Erachakulam Village, which is also under the management and administration of 2nd respondent and this temple is mentioned as Sl.No.65. The above said three temples are not belonging to Erachakulam Oor Vellala Samuthayam people or any other sect of people of the village. He further submits that under the guise of the decree dated 08.02.2006, the petitioner Trust is also attempted to interfere with the administration of Irumudichozha Vinayagar, Erukkalam Kavudaya Kantan Sastha and Udayamarthandeswarar as if those temples are also covered under the denomination temple.

7. This Court considered the rival submissions made.

8. The petitioner Trust has already filed a suit in O.S.No.856 of 2004 against the first respondent seeking the relief of declaration that the Erachakulam Vellala Samuthayam Muppidari Amman Temple is a denomination Temple. The said suit was decreed in favour of the petitioner Trust, by Judgment and Decree dated 08.02.2006. The decree



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of the suit is extracted as under:

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“that the Arulmigu Muppidari Amman Temple at Erachakulam Oor, Erachakulam Village, Thovalai Taluk, Kanyakumari District is declared as a denomination temple belonging to the Hindu Vellal Samuthayam of Erachakulam Village, Thovalai Taluk, Kanyakumari District and thereby they are entitled for the protection of managing and administering suit temple under Article 26 of the Indian Constitution.”

9. It appears that the dispute is with regard to the administration of Irumudichozha Vinayagar, Erukkalam Kavudaya Kantan Sastha and Udayamarthandeswarar temples. These temples, according to the petitioner Trust, are other Sanathies of Muppudari Amman Temple. The learned counsel appearing for the second respondent submits that these temples are situated 1km. away from Muppudari Amman Temple.

10. In the event, if other temples, such as, Irumudichozha Vinayagar, Erukkalam Kavudaya Kantan Sastha and



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Udayamarthandeswarar. are away from Muppudari Amman Temple, the petitioner Trust has to approach the competent Civil Court to get a declaration with regard to Irumudichozha Vinayagar, Erukkalam Kavudaya Kantan Sastha and Udayamarthandeswarar temples. Since the Second Additional Munsif Court, Nagercoil, in O.S.No.856 of 2004, has already declared that the Arulmigu Muppudari Amman Temple is a denomination Temple, the second respondent shall not interfere with the affairs of the Arulmigu Muppudari Amman Temple.

11. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

21.03.2024

NCC : Yes / No.
Index : Yes / No.
Internet: Yes / No.
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B.PUGALENDHI, J.

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To

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Hindu Religious and Charitable Endowments Department,
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