



W.A.(MD).No.1734 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD).No.1734 of 2024
and
C.M.P.(MD)No.13287 of 2024**

Arulmigu Sri Pechiamman Devi Devasthanam Trust,
Rep. By its General Secretary,
Sabari Girish,
S/o Kunjuraman,
Petchiparan Post,
Thiruvattaru Taluk,
Kanyakumari District.

... Appellant

-VS-

- 1.The Government of Tamil Nadu,
Rep. By its Principal Secretary,
Public Works Department,
Fort St. George,
Chennai – 600 009.
- 2.The District Collector,
Kanyakumari District,
at Nagercoil.
- 3.The Executive Engineer,
Public Works Department,
PWD Road,
Nagercoil – 629 001,
Kanyakumari District.



W.A.(MD).No.1734 of 2024

4.The Commissioner,
HR & CE Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.

5.The Assistant Commissioner,
HR & CE Department,
Mettu Street,
Vadeeswaram,
Kanyakumari District.

6.Vinu

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.482 of 2024, dated 11.06.2024.

For Appellant : Mr.Ananth C. Rajesh
For Respondents 1 to 5 : Mr.S.P.Maharajan
Special Government Pleader

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 1 to 5.

2.A negative mandamus was sought for by the petitioner forbearing the Hindu Religious and Charitable Endowments Department from controlling the temple of Arulmigu Sri Pechiamman Devi Temple. It is contention of the writ petitioner that though the temple has been in



W.A.(MD).No.1734 of 2024

existence for long, the Hindu Religious and Charitable Endowments Department has not chosen to exercise control over the temple and the temple was being managed by the petitioner Trust. The learned Single Judge has dismissed the Writ Petition with liberty to the petitioner to seek appropriate remedy before an appropriate authority in the manner known to law on the ground that if it is the claim of the petitioner that the temple is a private temple or it belongs to a religious denomination, the remedy is by way of a suit and if the challenge is to the appointment of Executive officer, the remedy is under 21-A before the Joint Commissioner, Hindu Religious and Charitable Endowments Department.

3.Mr.Anand C.Rajesh, learned counsel for the appellant would however contend that the Hindu Religious and Charitable Endowments Department never exercised any control over the temple till the appointment of a non-hereditary trustee on 12.10.2023.

4.We do not think that absence of exercise of control by the Hindu Religious and Charitable Endowments Department will make the temple excepted or private or denominational in character. If the petitioner wants to establish that the temple comes under any of the above three categories, it is for the petitioner to move the appropriate authority, namely, either the civil Court or the Commissioner, Hindu Religious and Charitable



W.A.(MD).No.1734 of 2024

Endowments Department.

WEB COPY

5.We therefore, find no merits in the Writ Appeal and the Writ Appeal fails and it is accordingly, dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]
03.10.2024

NCC :Yes/No
Index :Yes/No
Internet: Yes
Mrn



W.A.(MD).No.1734 of 2024

WEB COPY

To

- 1.The Principal Secretary,
Government of Tamil Nadu,
Public Works Department,
Fort St. George,
Chennai – 600 009.
- 2.The District Collector,
Kanyakumari District,
at Nagercoil.
- 3.The Executive Engineer,
Public Works Department,
PWD Road,
Nagercoil – 629 001,
Kanyakumari District.
- 4.The Commissioner,
HR & CE Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.
- 5.The Assistant Commissioner,
HR & CE Department,
Mettu Street,
Vadeeswaram,
Kanyakumari District.



WEB COPY



W.A.(MD).No.1734 of 2024

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Mrn

W.A.(MD).No.1734 of 2024

03.10.2024