



W.A.(MD)No.302 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

AND

THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.A.(MD)No.302 of 2014

and

M.P.(MD)No.1 of 2014

L.S.Mariappan

...Appellant

/Vs./

- 1.Ramalingam
- 2.The Commissioner,  
HR & CE Department, Chennai.
- 3.The Joint Commissioner,  
HR & CE Department, Chennai.
- 4.The Assistant Commissioner,  
HR & CE Department,  
Madurai – 20.
- 5.The Inspector,  
HR & CE Department,  
Madurai West,  
Madurai.



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6.Kuppamuthu Chettiar

7.Chellam @ Palanichamy Chettiar

8.Pechimuthu

9.P.Shanmugam

10.Palanichamy @ Ilango

11.Petchimuthu @ Mohan

12.Subramanian

13.Narayanan

...Respondents

PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to allow the writ appeal and to set aside the order passed by this Court made in M.P.(MD)No.3 of 2015 in W.P.(MD)No.3293 of 2009 dated 03.01.2014.

For Appellant : Mr.ARL.Sundaresan  
Senior Counsel  
for Mr.J.Anand Kumar

For Respondents : Mr.S.Ramesh (R1)  
Mr.A.K.Manikkam (R2 to R5)  
Special Government Pleader  
Ms.Devasana (R9)  
Mr.S.Manohar (R13)  
No appearance (R7)  
Dismissed for default (R8, R10 - R12)



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## **JUDGMENT**

(Judgment of the Court was made by **V.BHAVANI SUBBAROYAN, J.**)

A challenge has been made by the fifth respondent in the writ petition against the order passed by this Court dated 03.01.2014 in W.P. (MD)No.3293 of 2009, which was filed challenging the communication issued by the Assistant Commissioner of HR&CE Department, Madurai, dated 31.03.2009, wherein certain deficiencies have been found and to forbear the official respondents from interfering with the maintenance and management of Petchiamman Temple which was declared as Private Temple.

2. The case of the writ petitioner is that the temple is a private temple and therefore, the temple is not liable to show any accounts to the HR&CE Department. The learned Single Judge of this Court held that this Court is not inclined to enter into the controversy as to whether the



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temple in question is a private temple or a public temple coming within the jurisdiction of the HR&CE Department and hence, dismissed the writ petition by granting liberty to the writ petitioner / first respondent herein to reply to the show cause notice dated 31.03.2009. Challenging the same, the fifth respondent in the writ petition has filed this appeal.

3. The learned senior counsel appearing for the appellant submits that the temple is a private temple as the proceedings dated 03.02.1932 in OA No.765 of 1931, wherein the temple is exempted from the purview of the HR&CE Department and hence, they do not have jurisdiction to issue the show cause notice. The said temple has been administered as per the scheme decree passed in AS No.661 of 1979 dated 24.04.1992 by this Court. The learned Single Judge of this Court without analyzing the entire facts, dismissed the writ petition. Hence, he sought for setting aside the order of the learned Single Judge of this Court.



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4. The learned senior counsel appearing for the appellant further submits that there was an issue pending before this Court in CRP(MD)Nos.1605 & 1606 of 2012 and in MP(MD)No.1 of 1010 & 1& 2 of 2011 in AS No.661 of 1979, wherein this Court on 29.09.2015 passed an order stating that the modified clauses 17 and 27 in the scheme decree would come into force with effect from the financial year 01.04.2016. The rotation as framed in the scheme decree would start from 01.04.2016. The persons, who are in the management till then have to hand over the management to the next person entitled to be in the management, on 01.04.2016. The successor to the present person in management has to inform the same to the Assistant Registrar on or before 15.03.2016 for taking over management from the present incumbent of this Court. Accordingly, the civil revision petitions were disposed of. The order passed by this Court in CRP(MD)Nos.1605 & 1606 of 2012 and in MP(MD)No.1 of 1010 & 1& 2 of 2011 in AS No. 661 of 1979 was also produced before this Court.



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5. Heard the rival submissions on either side and perused the materials placed before this Court.

6. It is seen that the temple has been declared as a private temple as per the scheme decree passed by this Court confirmed by the Hon'ble Apex Court. That being the case, HR&CE Department has no jurisdiction to look into the aspects of the matters involving the management of the said private temple. There was also an allegation of misappropriation of funds. Even if it is so, the official respondents have got no right under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 to interfere with the internal affairs of the private temple. Hence, the show cause notice issued by the HR&CE authorities are without any jurisdiction and quashed.

7. Further, if there are any other disputes over the said temple, the same can be challenged under Section 49-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. As per the scheme decree passed by this Court and also, as per the order of this Court dated



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29.09.2015, the present person who is in charge of the management of the said temple shall hand over the management to the next successor as per the scheme decree. If he has any grievance regarding the accounts managed by the said temple, he can appoint a Chartered Accountant to look into the accounts of the said temple. The persons who are aggrieved regarding the management over the said temple are at liberty to proceed further in the manner known to law in the appropriate forum.

8. With the above observations, this writ appeal is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

**(V.B.S.J.) & (K.K.R.K.J.)**  
**14.03.2024**

NCC :Yes/No  
Index :Yes/No  
Internet :Yes  
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TO:-

1.The Commissioner,  
HR & CE Department, Chennai.

2.The Joint Commissioner,  
HR & CE Department, Chennai.

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3.The Assistant Commissioner,  
HR & CE Department, Madurai – 20.

4.The Inspector,  
HR & CE Department,  
Madurai West, Madurai.



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**V.BHAVANI SUBBAROYAN, J.**  
**and**  
**K.K. RAMAKRISHNAN, J.**

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Judgment made in  
**W.A.(MD)No.302 of 2014**

Dated:  
**14.03.2024**