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W.P.(MD) No.14317 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

W.P.(MD) No.14317 of 2014

and

M.P.(MD) Nos.1, 2, 3, 4, 5, 6 & 7 of 2014 & 1 of 2015

J.Murugesan

... Petitioner

-VS-

- 1.The State of Tamilnadu
rep.by its Secretary
Hindu Religious and Charitable Endowments
Fort St.George, Chennai-600 009
- 2.The Commissioner
Hindu Religious and Charitable Endowments
Uthamar Gandhi Salai
Nungambakkam
Chennai-600 034
- 3.The Joint Commissioner
Hindu Religious and Charitable Endowments
Sivagangai, Sivagangai District
- 4.The Assistant Commissioner
Hindu Religious and Charitable Endowments
Paramakudi
Ramanathapuram District



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- 5.The District Collector
Ramanathapuram
Ramanathapuram District
- 6.The Block Development Officer
Ramanathapuram
Ramanathapuram District
- 7.The Superintendent of Police
Ramanathapuram District
Ramanathapuram
- 8.The Panchayat President
Devipattinam Village Panchayat
Devipattinam
Ramanathapuram District
- 9.The Diwan & Managing Secretary
Ramanathapuram Dewasom
Ramanathapuram
Ramanathapuram District
- 10.Maamanner Rebel
Muthuramalinga Sethupathi Trust
rep.by its Trustee
S.Pathmapriyal
2/210, North Street
Devipattinam
Ramanathapuram District
- 11.The Chairman
Tamilnadu State Commission for Women
Chepauk, Chennai-600 005
- 12.The Chairman
Tamilnadu Pollution Control Board
No.76, Mount Salai
Guindy, Chennai-600 032

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 7 to maintain sanctity, serenity and scriptural holiness in the Navapashanam Navagraha Temple, Devipattinam, Ramanathapuram District, for the spiritual upliftment and bliss of the visiting pilgrims, devotees and tourists as per the religious precincts of the Hindu Religion, in view of the petitioner's representation dated 24.07.2014, within a time stipulated by this Court.

For Petitioner : Mr.B.S.Meltiue

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R6 & R11
Mr.R.Meenakshi Sundaram
Additional Public Prosecutor for R7
Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates for R8
Mr.Ramesh for R9
Mr.S.Balakarthik for R10
Ms.Vijayakumari Natarajan for R12

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Prayer in this writ petition is to direct the respondents 1 to 7 to maintain sanctity, serenity and scriptural holiness in the Navapashanam Navagraha Temple, Devipattinam, Ramanathapuram District, for the spiritual



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upliftment and bliss of the visiting pilgrims, devotees and tourists as per the religious precincts of the Hindu Religion, in view of the petitioner's representation dated 24.07.2014, within a time stipulated by this Court.

2. Today, when the matter was taken up for hearing, learned counsel for the petitioner submitted that pursuant to the interim orders passed by this Court, the relief sought for in this writ petition has become infructuous.

3. Learned Senior Counsel appearing for the eighth respondent and the learned counsel appearing for the ninth respondent vehemently objected the above submission of the learned counsel for the petitioner. According to the eighth and ninth respondents, the subject Temple has not been properly maintained by the H.R. & C.E.Department and there are several other grievances, which are to be redressed by the H.R. & C.E.Department.

4. It is seen from the report filed by the fit person, dated 03.12.2015, the Commissioner, Hindu Religious & Charitable Endowments Department, has brought the subject Temple under the control of the H.R.&



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C.E. Department by proceedings dated 21.05.2015. Subsequently, an order dated 29.04.2015, has been passed by the Assistant Commissioner, H.R. & C.E., Paramakudi, appointing a fit person to the subject Temple, under Section 49(1) of the H.R. & C.E.Act. On 06.05.2015, the fit person has assumed the office of the subject Temple. Thereafter, pursuant to the orders passed by this Court, dated 19.11.2015, the fit person has taken possession of the subject Temple and the pathway leading to the Temple on 29.11.2015.

5. In view of the above report filed by the fit person, no further adjudication is required in this writ petition. However, if the eighth and ninth respondents are still aggrieved, it is open to them to challenge the order dated 21.05.2015, passed by the Commissioner, H.R. & C.E. Department, bringing the subject Temple under the control of the H.R. & C.E.Department, before the appropriate forum, in the manner known to law and to submit a representation to the authority concerned for the other grievances. On submitting such application / representation, the authority concerned shall consider the same and pass orders on merits and in accordance with law as expeditiously as possible.



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6. Accordingly, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.]

[M.S.K., J.]

09.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

1.The Secretary,
Hindu Religious and Charitable Endowments,
State of Tamilnadu,
Fort St.George, Chennai-600 009.

2.The Commissioner,
Hindu Religious and Charitable Endowments,
Uthamar Gandhi Salai,
Nungambakkam,
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3.The Joint Commissioner,
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Sivagangai, Sivagangai District.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Paramakudi,
Ramanathapuram District.



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- 5.The District Collector,
Ramanathapuram,
Ramanathapuram District.
- 6.The Block Development Officer,
Ramanathapuram,
Ramanathapuram District.
- 7.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 8.The Chairman,
Tamilnadu State Commission for Women,
Chepauk,
Chennai-600 005.



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