



WP(MD)No.20872 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.20872 of 2023
and
WMP(MD)No.17281 of 2023

K.V.Sekar

.. Petitioner

v.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai – 34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thiruvanaikovil, Tiruchirappalli – 5.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Thiruvanaikovil, Tiruchirappalli – 5.

4.G.Krishnamoorthy

5.Alamelu

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Mandamus directing the second respondent



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to remove the respondents 4 & 5 from the post of Trustees of Arulmigu Kaveri Ammal Temple, Arulmigu Kattumavadiyan Temple, Arulmigu Ayyanar Temple and Arulmigu Munisheswaran Temple, Keelakurichi, Tiruchirappalli, based on the petitioner's representation dated 04.01.2023 and consequently, directing the third respondent to appoint any other person in their place from the list of applications already received as on 06.10.2022, after due verification.

For Petitioner : Mr.R.S.Sivaram

For Respondents : Mr.P.Subba Raj,
Special Government Pleader
for R.1 to R.3

Mr.B.Jameel Arasu for R.4

No appearance for R.5

ORDER

The petitioner is one of the applicants for Trusteeship for Arulmigu Kaveri Ammal Temple, Arulmigu Kattumavadiyan Temple, Arulmigu Ayyanar Temple and Arulmigu Munisheswaran Temple, Keelakurichi, Tiruchirappalli. He has filed this writ petition for a mandamus directing



the second respondent / Joint Commissioner to remove the respondents 4 & 5 from the post of Trustees of the above said Temples.

2. According to the petitioner, the respondents 4 & 5 are belonging to the ruling party of the State and on that account alone, they have been appointed as Trustees, which is as against the dictum laid down by the Division Bench of this Court in *T.R.Ramesh v. State of Tamil Nadu and Another* [(2021) 6 CTC 450].

3. Learned Counsel for the petitioner submitted that the respondents 4 & 5 are in occupation of a land in S.No.250 & S.No.178/1 belonging to Arulmigu Kaveri Ammal Kovil and Kattumavadiyan Temple, Keelakurichi and they have also transferred the patta in their individual names. He has also relied upon a document in No.721 of 1918 on the file of the District Registrar, Tiruchirappalli and submitted that the lands in S.No.250 & S.No. 178/1 are Temple lands and that was also declared by the competent civil Court in O.S.No.1466 of 2002. Despite the same, the pattas have been transferred in the names of the husband and father of the respondents 4 & 5



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and thereby, they have encroached upon the Temple land. These persons, who have encroached upon the Temple land, have now been recognised as the Trustees for the subject Temples.

4.Learned Special Government Pleader submitted that eight persons have applied for the Trusteeship and based on their qualifications and on the recommendations of the District Committee, the persons have been identified.

5.Learned Counsel for the fourth respondent submitted that the allegations are bald and that the petitioner is not having any documents to substantiate the same.

6.This Court considered the rival submissions made by the respective parties.

7.The petitioner with a specific allegation as against the respondents 4 & 5 has made a representation on 04.01.2023 and has approached this



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Court. Even after receipt of notice in this writ petition, the respondents 1 to 3 have not verified as to the allegations made in this writ petition. The allegation made by the petitioner with regard to encroachment by the private respondents over a Temple land has not been denied by any of the respondents by way of any counter affidavit.

8. Therefore, this writ petition stands disposed of, with a direction to the second respondent / Joint Commissioner to conduct an enquiry on the petitioner's representation dated 04.01.2023 by providing opportunity of hearing to the petitioner and the respondents 4 & 5 and to take a decision, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

12.03.2024

To

1. The Commissioner,



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Hindu Religious and Charitable Endowments Department,
Chennai – 34.

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B.PUGALENDHI, J.

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2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thiruvanaikovil, Tiruchirappalli – 5.

3.The Assistant Commissioner,
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Thiruvanaikovil, Tiruchirappalli – 5.

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