



W.P.(MD) No.24278 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.24278 of 2024

and

W.M.P.(MD) No.20528 of 2024

M.Raman

.. Petitioner

Vs.

- 1.The Commissioner,
HR & CE Department,
Office of the Commissioner,
No.119, Uthamar Gandhi Road,
Nungambakkam,
Chennai-600 034.
- 2.The Joint Commissioner,
HR& CE Department,
Office of the Joint Commissioner,
S.M.Salai, Thanjavur-1.
- 3.The Assistant Commissioner,
HR & CE Department,
Office of the Assistant Commissioner,
4th North Street, Pudkkottai.
- 4.M.Sudha,
Executive Officer,
A/M.Muneeswarar Thirukovil,



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Porpanaikottai, Alangudi Taluk,
Pudukkottai District.

5.The Inspector,
HR & CE Department,
Alangudi, Pudukkottai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to take departmental actions against the fourth respondent based on the petitioner's representation dated 12.08.2024 and consequently direct the first and second respondents to direct the fourth respondent not to interfere with the affairs and administration of the petitioner's Vagaiyara Temples i.e. Arulmigu Keela Vasal Aadhisthala Porpanai Muneeswarar Kovil and Arulmigu Vadakku Vasal Sri Porpanai Kaliamman Koil situated in S.No.121, Porpanaikottai Village, Veppangudi Pudukkottai District.

For Petitioner : Mr.S.I.Muthiah

For R1 to R3 & R5: Mr.P.Subbaraj
Special Government Pleader

For R4 : Mr.G.Mathavan

ORDER

This writ petition has been filed originally for a mandamus to direct respondents 1 to 3 to take departmental action against the fourth respondent by considering the petitioner's representation dated



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12.08.2024 and to forbear the fourth respondent from interfering with the affairs and administration of the petitioner's Vagaiyara Temples viz., Arulmigu Keela Vasal Aadhisthala Porpanai Muneeswarar Kovil and Arulmigu Vadakku Vasal Sri Porpanai Kaliamman Koil, situated in S.No. 121, Porpanaikottai Village, Veppangudi Pudukkottai District.

2. When the matter had been taken up for hearing on 21.10.2024, learned counsel appearing for the petitioner, on instructions, had not pressed the relief for initiating departmental action, but had expressed his desire to pursue the remedy for a direction to the fourth respondent not to interfere in the affairs of Arulmigu Keela Vasal Aadhisthala Porpanai Muneeswarar Kovil and Arulmigu Vadakku Vasal Sri Porpanai Kaliamman Koil.

3. The fourth respondent had disputed the administration of the temple by contending that as early as in the year 1984, Muneeswarar Temple and Periya Ayyanar and Karuppar Temple along with sub temples were taken over by appointment of a Thakkar and on and from that date,



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the temples had been managed by the fourth respondent. She had also placed reliance upon various orders where the hundiya had also been installed in the temples during the festival. She had also relied upon Peace Committee Meeting in which the family members of the petitioner had agreed upon to certain terms in which the festival to Porpanai Kalliamman Koil were to be performed. Therefore, she would submit that the present writ petition would be hit by delay and laches.

4. This was retorted to by the learned counsel for the petitioner by contending that what was taken control was only the Muneeswarar Temple and Periya Ayyanar Temple and would draw the attention of this Court to the order dated 03.10.1994 in that respect.

5. It is also brought to the notice of this Court by the fourth respondent that the petitioner himself had moved the second respondent herein in O.A.No.33 of 2024 for framing a scheme for the two temples relating in the writ petition under Section 64(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1954.



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6. As the petitioner himself has approached the second respondent for framing a scheme with regard to the two temples, I am inclined to dispose of the writ petition with a direction to the second respondent to dispose of the said original application.

7. In fine, this Writ Petition is disposed of with a direction to the second respondent to dispose of the original application in O.A.No.33 of 2024 in accordance with law after affording opportunity to all the parties concerned as expeditiously as possible. The petitioner will also be at liberty to take out appropriate sub-application for any interim orders with regard to any festival that may be conducted and if such application is made, the second respondent shall dispose of the said application within a period of two months thereafter. It is made clear that this Court has not ventured into the merits of the claims made by the parties concerned. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes/No
abr



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K.KUMARESH BABU, J.

abr

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Dated: 06.11.2024