



WP(MD)No.23057 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP (MD) No.23057 of 2023

and

**WMP (MD) Nos.19251,20110 and
21112 of 2023**

K.Ayyadurai

... Petitioner

Vs

- 1.The Assistant Commissioner,
Hindu Religious and
Charitable Endowments Department,
Nagercoil, Kanyakumari District.
- 2.The Executive Officer / Thakkar,
Arulmigu Kanni Vniyakar Thirukovil etc.,
Vadiveeswaram,
Agastheeswaram Taluk,
Kanyakumari District.
- 3.Arulmigu Narayanasamy Thirukovil,
Thenthamarikulam, represented by
Fit Person,
Agastheeswaram Taluk,
Kanyakumari District.

4.R Soundara Raja Pandian

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari to call for the records on the files of the 2nd respondent pertaining to its



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proceedings bearing No.Nil dated 24.08.2023 and to quash the same.

For Petitioner : Mr.SC.Herold Singh
For Respondent : Mr.S.Kameswaran
No.1 Government Advocate
For Respondent : Mr.H.Arumugam
Nos.2 and 3
For Respondent :Mr.T.Pooventhera Rajan
No.4

ORDER

The petitioner is a devotee of Arulmigu Narayanasamy Thirukovil, established in the line of Iyya Narayana Samy as Iyya Vazhi. The petitioner claims that he is the Secretary of the Administrative Committee and he had the term upto November 2023. He has filed this writ petition as against the order of the 2nd respondent / the Fit Person permitting the 4th respondent to put up certain construction in the 3rd respondent temple.

2.The learned Counsel for petitioner submits that the 2nd respondent is not having any authority to permit the 4th respondent to put up the construction



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and it is also permitted without consultation of the villagers and the administrative committee.

The petitioner / the erstwhile Secretary, on behalf of the villagers has submitted a representation to the respondents on 11.09.2023 expressing the grievances of the villagers, but the same was not considered. Therefore the petitioner has filed this writ petition.

3.The learned Counsel further submits that the appointment of the Fit Person was challenged by one Chelladurai and the same is now pending before the Commissioner in RP.No.1 of 2008 and this petitioner is prosecuting the same. When the appointment of the Fit Person is in dispute, it is not proper on the part of the Fit Person to permit the 4th respondent to put up the construction that too without any consultation with the villagers.

4.The learned Counsel for the 4th respondent submits that the 4th respondent is a devotee of the temple. There is no compound wall around the temple



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and therefore it is used as a dumping yard by the general public. In order to protect the temple from being affected by such acts, the 4th respondent thought of constructing a compound wall around the temple. As such he has sought permission of the Fit Person and accordingly permission was granted. Further the 4th respondent is not having any grievance to allow the petitioner to put up the construction. He has also filed an affidavit that he will not claim any right or privilege in the temple or in the administration of the temple by permitting him to put up the construction.

5.The learned Special Government Pleader appearing for the 1st respondent submits that the Fit Person was appointed in the year 2008, which was challenged by one Chelladurai in WP(MD)No.2304 of 2008 and the same was dismissed. Challenging the same WA(MD)No.520 of 2008 was filed and it was also dismissed. Even then an application RP.No.1 of 2008 was filed before the Commissioner and the same is pending and there is no interim order.



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6.This Court considered the rival submissions made and perused the materials placed on record.

7.The 4th respondent as a devotee of the temple has volunteered himself to construct a compound wall in order to prevent the temple premises from being misused. There is no reason to interfere with the permission granted by the Fit Person. The 2nd respondent has given the list of requirements for the temple. If the petitioner is really having concern for the welfare of the temple, it is open for him to fulfil any of the requirements for the temple from the list given by the 2nd respondent with necessary permission. It is made clear this Court has not compelled the petitioner to do so.

8.In the result, this Court is of the opinion that this writ petition is liable to be dismissed with costs. However this writ petition is dismissed with a warning. No costs. Consequently connected miscellaneous petitions are dismissed.

16.02.2024



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B. PUGALENDHI , J .

dsk

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