



W.P.(MD) No.24137 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD) No.24137 of 2024

and

W.M.P.(MD) No.20414 of 2024

V.S.Thripurasundari,
Hereditary Trustee,
Arulmigi Sri Muthalamman Temple,
Muthalapuram,
Vilampatti,
Nilakottai Taluk,
Dindigul District.

... Petitioner/Petitioner

Vs.

1.The Principal Secretary to Government,
Tourism, Culture and Religious Endowments Department,
Fort St. George,
Secretariat,
Chennai – 600 009.

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Chennai – 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,



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Seelapadi Main Road,
Dindigul.

4.The Executive Officer,
Muthalapuram,
Vilampatti,
Nilakottai Taluk,
Dindigul District.

... Respondents/Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records relating to the impugned order in the form of notice issued by the third respondent in his proceedings in Na.Ka.No.8036/2024/Aa1, dated 30.09.2024 served upon the petitioner on 04.10.2024 and quash the same.

For Petitioner : Mr.S.Karthick Ramkumar
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This Writ Petition is filed for issuance of a writ of certiorari to quash the impugned order issued in the form of notice by the 3rd respondent in his proceedings in Na.Ka.No.8036/2024/Aa1, dated 30.09.2024 served upon the petitioner on 04.10.2024.

2. Mr.D.Gandhiraj, learned Special Government Pleader takes notice for all the respondents.



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3.With consent of both parties, this Writ Petition is taken up for final disposal at the time of admission itself.

4. The brief facts, which are necessary for disposal of this Writ Petition, are as follows:

i) Arulmigu Muthalamman Temple, situated at Vilampatti, Nilakottai Taluk, Dindigul District, is a listed temple as per Sec.46 (1) of the HR & CE Act, 1959. The petitioner is the Hereditary trustee of the temple administering the temple following the law and custom. This being so, by the proceedings of the 2nd respondent, in se.mu.Ne.Mu.no 18657/2019/L5 dated 15.05.2019, the 2nd respondent has framed duties and responsibilities for administering the temple. The executive officers of the temple from the date of their appointment are not following either the rules of the temple or the provisions of the HR & CE Act in discharging their duties.

ii) The petitioner has filed a writ petition before this Court in W.P(MD).No. 18157 of 2021 seeking a direction to the respondents 2 and 3 herein to implement the order passed by the 1st respondent in his proceedings dated 15.05.2019 in



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Se. Mu.Ni.Mu.No.18657/2019/L5 and to hand over the charges of the temple to the petitioner. One Mr.Chandrasekaran has taken charge of the temple and he is administering the affairs of the temple.

iii) The petitioner also filed a writ petition before this Court in W.P.(MD) No.21793 of 2024 to take action on the representation dated 20.08.2024 as against the 4th respondent and that Writ Petition was disposed of by this Court vide order dated 12.09.2024.

iv) The executive officer of the temple circulated a resolution to the petitioner and insisted the petitioner to sign the same. The resolution reads that based on the notification issued by the Tamil Nadu Legislative assembly regarding the renovation of the temples of the State, valuation report has been framed. The resolution further reads that since no sponsors are available to renovate the temple and being a low revenue generating temple, the above work may be conducted by obtaining loan from the surplus funds of the Arulmigu Soundaraja Perumal Temple, Thadikombu and the same will be repaid with interest to the said temple from the future revenues of the Muthalamman temple.



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The resolution further reads that the above estimation has been made in accordance with the Inspection dated 26.09.2024 regarding the renovation of the temple.

v) The 4th respondent has also circulated archeological opinion to the petitioner and the said opinion specifies that no inscriptions were found inside the temple. The temple has a 100 year inscription, namely, the temple was constructed by the petitioner's grandfather Arunachalam Pillai, with that objection the petitioner has signed the above resolution and specifically stated that after rectification of the above errors, further resolutions regarding renovation of the temple will be passed. The archeological survey report mentions that there is no moolavar in the temple. Therefore, the inspection conducted is defective and necessarily inspection has to be conducted afresh.

vi) The petitioner made representation dated 30.09.2024 to the respondents 1 and 2 and the same is pending. In the meanwhile, the 3rd respondent has issued the impugned order in the form of notice in his proceedings dated 30.09.2024 served upon the petitioner on 04.10.2024. The impugned notice issued by the 3rd



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respondent reads that the State Government has issued a notification regarding renovation of the temples with low income. Accordingly, for renovation of the Muthalamman temple, a proposal was placed before the petitioner by the 4th respondent for her approval. The impugned notice further reads that the 4th respondent has made a compliant to the 3rd respondent that the petitioner is delaying the renovation process of the temple by the above resolution. Therefore, the 4th respondent has requested the 3rd respondent to take action against the petitioner in this regard. The 3rd respondent issued the impugned order in the form of notice and instructing the petitioner to show cause as to why action should not be taken against her for the above act.

5. The learned counsel appearing for the petitioner submits that without conducting any preliminary enquiry, the 3rd respondent has come to a conclusion that he is very much satisfied with the complaint made by the 4th respondent and has issued the present impugned order. The impugned order was not issued in the form of a show cause notice and the same is an order passed with a pre-determined mind and passed in a biased manner. Further, the learned counsel would submit that the 3rd respondent has failed to consider the factual



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discrepancies in the archeological opinion, which is projected by the petitioner with regard to the fact that there is an inscription in front of the sanctum mentioning that the temple was constructed by Thiru.V.S.Arunachalam Pillai. The impugned order has been passed on the instigation of the 4th respondent since the petitioner has obtained orders against the 4th respondent in W.P(MD)No.21793 of 2024. The 3rd respondent has passed the impugned order in the form of notice and hence, the same is liable to be set aside.

6. Per contra, the learned Special Government Pleader appearing for the respondents submits that based on the notification issued by the Tamil Nadu Legislative Assembly regarding the renovation of the temples of the State, a valuation report has been prepared for the repair and renovation of the temple flooring camps and for construction of a new roof and for cleaning pillars with water, the estimated cost is Rs.7,60,000/-, for construction of office room and pooja room estimated cost of Rs.13,10,000/-, for construction of madapalli and store room the estimated cost of Rs.13,10,000/-.

7. The learned Special Government Pleader further would submit that since



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no sponsors are available to renovate the temple and the temple, being a low revenue generating temple, the renovation works have to be conducted by obtaining loan from the surplus funds of Arulmighu Sundararaja Perumal Temple, Thadikombu. The petitioner has acted against the welfare of the temple and failed to obey the order of the State Government and the impugned notice issued by the 3rd respondent is only a show cause notice and the petitioner can very well submit her representation before the concerned authority and the present Writ Petition has been filed only to delay the temple activities and with an intention to stop the temple renovation works and to cause delay in conducting kumbabishegam of the temple.

8. This Court has given its careful consideration to the submissions made by the respective counsels and perused the available records.

9. A perusal of typed set of records, it is seen that the petitioner has sent a representation dated 30.09.2024 to the Principal Secretary to Government, Tourism, Culture and Religious Endowment Department and to the Commissioner, Hindu Religious and Charitable Endowments Department with



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regard to conducting kumbabishegam and to conduct a fresh inspection and survey for renovation of the temple and postal receipt dated 01.10.2024 is also annexed.

10. It is also seen that the petitioner has filed a writ petition in W.P(MD)No.18157 of 2021 to direct the respondents 1 and 2 to implement the 1st respondent therein/the Commissioner's order dated 15.05.2019 to hand over the charges of Arulmighu Shri Muthalamman Temple to the petitioner within the time stipulated by this Court. This Court vide order dated 19.03.2024 has passed the following Order:

'2.Today when this Writ Petition is taken up for hearing, the learned Special Government Pleader appearing for the respondents submits that the order of the Commissioner dated 15.05.2019 has been effected and one Chandrasekaran, the Executive Engineer has taken charge of the temple and he is administering the affairs of the temple.

3.Recording the said submission, this Writ Petition is closed. No costs".

11. The petitioner has also filed a writ petition in W.P(MD)No.21793 of



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2024 seeking a mandamus as against the 1st respondent for initiating action against the 3rd respondent for violating the duties and responsibilities caused upon him under the appointment order. This Court, vide order dated 12.09.2024, has directed the 2nd respondent therein to consider the representation of the petitioner dated 20.08.2024 and pass orders on merit and in accordance with law within a period of eight weeks from the date of receipt of a copy of that order. It is also seen from the impugned order dated 30.09.2024 issued to the petitioner that the petitioner has to submit her explanation within a week time.

12. Considering the submission of the learned Special Government Pleader that a notification is issued by the Tamil Nadu Legislative Assembly regarding the renovation of the temples of the State and the averment made by the petitioner in her affidavit that the petitioner is discharging the duties and responsibilities as the Hereditary Trustee as per the customs and traditions of the temple and as per all applicable laws, this Court is inclined to issue a direction. Accordingly, the petitioner is directed to submit her explanation/representation to the respondents within a period of two weeks from the date of receipt of a copy of this order in connection with the impugned order passed by the 3rd respondent dated



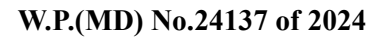
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30.09.2024. On receipt of such explanation/representation, the 3rd respondent, after giving sufficient opportunity to the petitioner, shall pass an order in accordance with law.

13. With above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
apd/CM

09.10.2024



1. The Principal Secretary to Government,
Tourism, Culture and Religious Endowments Department,
Fort St. George,
Secretariat,
Chennai – 600 009.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Seelapadi Main Road,
Dindigul.

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M.JOTHIRAMAN, J.

apd/CM

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and

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