



WP(MD)No.24529 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23.02.2024

CORAM:

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

WP (MD) No.24529 of 2019
and
WMP (MD) No.21148 of 2019

SP.Nachiappan

... Petitioner

Vs

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

2.The Manager,
Sivagangai Samasthanam Chathiram,
Trustee Office,
(Sivagangai Samasthanam /
Devasthanam)
Sivagangai, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to strictly Comply with the government order in GO.Ms.No.264 HR and CE Department, dated 01.11.2016 which was issued pursuant to the orders in WP(MD)No.574 of 2015, dated 22.06.2018 before the proceedings with the renovation / demolition / repair work of Arulmigu Kandeewarar



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Kanda Bala Nayagi Sivan Temple, Thalakovoor village,
Thiruppathur Taluk, Sivagangai District.

For Petitioner : Mr.P.Aathimoolapandian
For Respondent : Mr.P.Subbaraj
No.1 Special Govt.Pleader
For Respondent : Mr.M.Karhikeya
No.2 Venkitachalapathy

ORDER

The petitioner is a devotee of Arulmigu Kandeaswarar Kanda Bala Nayagi Sivan Temple, Thalakovoor Village, Thiruppathur Taluk, Sivagangai District has filed this writ petition in the year 2019 for the writ of mandamus directing the Hindu Religious and Charitable Endowments Department to strictly comply with the government order in GO.Ms.No.264 HR and CE Department, dated 01.11.2016 before the renovation, demolition and repair work in the temple.

2.The learned Counsel for the petitioner submits that this temple is 500 years old temple and the 2nd



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respondent was intending to perform consecration of the temple, however without complying with the conditions stipulated in GO.Ms.No.264 HR and CE Department, dated 01.11.2016. This Government Order has been passed pursuant to the orders of the Hon'ble First Bench of this Court in WP.No.574 of 2015 dated 22.06.2018.

3.When this writ petition has been taken up for hearing the learned Counsel on either side submits that the consecration of the temple is over and the respondents have also constituted an Expert Committee as per the said government order.

4.The learned Special Government Pleader appearing for the Department submits that the Expert Committee has inspected the temple and submitted a report.

5.The learned Counsel for the 2nd respondent and the learned Special Government Pleader submits that the suggestions made by the Committee was accepted



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and it was also complied with. However, the same has been disputed by the learned Counsel for the petitioner.

6. Heard the learned Counsel on either side and perused the materials placed on record.

7. The petitioner with a grievance that the 2nd respondent has attempted to conduct consecration for the temple without complying with the requirements as mentioned in the government order in GO.Ms.No.264 HR and CE Department, dated 01.11.2016. This Court has entertained this writ petition and also directed the Department to constitute a Committee as contemplated in GO.Ms.No.264. Accordingly the Commissioner, HR and CE Department nominated the State Level Expert Committee Members consisting of Mr.V.Ramamurthi, (Rtd), Dy. Director, (Department of State Archaeology) along with Professor S.Rajavelu (Rtd) Professor and Dean, Archaeology, to inspect the temple on 13.09.2023. Shri.Pitchai Gurukkal, Agama Expert and the HR and CE



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Officials also accompanied the Committee during the inspection. This Committee has conducted the inspection on 13.09.2023 and made its recommendation. It appears that the consecration has been performed and now the 2nd respondent also claims that the suggestions made by the Expert Committee were accepted and the same were also complied with.

8. Recording the submission of the learned Special Government Pleader for the 1st respondent and the learned Counsel for the 2nd respondent, this writ petition is closed. In the event if any of the recommendations has not been complied with, the petitioner is at liberty to point out the same to the 2nd respondent and the 2nd respondent shall ensure that the recommendation of the Expert Committee is fully complied with. Consequently connected miscellaneous petition is closed.

23.02.2024

Internet : Yes / No

DSK

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B.PUGALENDHI , J .

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