



WP(MD)No.26529 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.26529 of 2019
and
WMP(MD)No.22911 of 2019

A/M Sri Ekambareswarar Sametha
Sri Kamatchi Amman Bakthargal Sabai,
Rep. by its Secretary
T.Shanmuganathan

.. Petitioner

v.

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruvanathapuram Road,
Palayamkottai,
Tirunelveli - 11.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
No.93, Korampallam,
Tuticorin.
- 3.Arulmigu Ekambareswarar Sametha
Sri Kamatchi Amman Kovil,
Rep. by its Executive Officer,
First Gate, Near Gandhi Statue,
Tuticorin - 628 002.



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4.C.Manoharan

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5.T.Balamurugan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 to 3 to direct the Fit Person to administer the A/M Sri Ekambareswarar Sametha Sri Kamatchi Amman Temple situated in First Gate, near Gandhi statue, Tuticorin – 2, as per the order dated 14.04.2019 made in Sa.Mu.Na.Ka.No. 5631/2014/ A2 on the file of the Joint Commissioner, HR & CE, Tirunelveli, by considering the representation of the petitioner dated 17.10.2019.

For Petitioner : Mr.S.Siva Thilakar

For Respondents : Mr.P.Subba Raj,
Special Government Pleader
for R.1, R.2

Mr.M.Muthugeethaiyan for R.3

Mr.M.P.Senthil for R.4, R.5



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ORDER

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The petitioner, a devotee of Arulmigu Sri Ekambareswarar Sametha Sri Kamatchi Amman Temple, Tuticorin, has filed this writ petition for a mandamus directing the respondents 1 to 3 to direct the Fit Person to administer the Temple, as per the order of the Joint Commissioner dated 14.04.2019.

2.The petitioner, with certain allegations as against the then Trustees that they are misappropriating the Temple funds, has approached the officials and filed a writ petition in WP(MD)No.6382 of 2019. In the said writ petition, the officials have produced a proceedings of the Joint Commissioner dated 14.04.2019 that Fit Person has been appointed to the Temple. Recording the same, the said writ petition was closed on 22.04.2019. However, till date, this order dated 14.04.2019 has not been given effect to and the third respondent has not taken charge. Therefore, he has filed this writ petition.



3.Learned Counsel appearing for the third respondent / Executive Officer submitted that the fourth respondent herein has filed a suit in O.S.No.172 of 2019 as against the order dated 14.04.2019 appointing the third respondent as the Executive Officer. Therefore, he has not taken charge.

4.This Court is not inclined to accept the stand taken by the third respondent, inasmuch as there is no interim order in the suit filed against the order of the Joint Commissioner dated 14.04.2019. It appears that the third respondent has not complied with the orders of the Joint Commissioner to facilitate the allegations made as against the fourth respondent.

5.Therefore, this writ petition stands disposed of with a direction to the first respondent / Joint Commissioner to call for explanation from the third respondent as to why the order dated 14.04.2019 has not been complied with and thereafter, to take appropriate action. The first respondent / Joint Commissioner shall find out and appoint another



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competent person as the Fit Person / Executive Officer of the Temple. Such an exercise of appointment of Fit Person shall be completed within a period of four weeks from the date of receipt of a copy of this order. The Fit Person / Executive Officer to be appointed by the first respondent / Joint Commissioner shall immediately take charge of the Temple and the respondents 4 & 5 herein shall also hand over the charge to the newly appointed person.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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

12.03.2024

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruvanathapuram Road,
Palayamkottai,
Tirunelveli - 11.



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B.PUGALENDHI, J.

gk

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
No.93, Korampallam,
Tuticorin.

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