



W.P.(MD) No.26478 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.26478 of 2024

and

W.M.P.(MD) Nos.22424, 22425 and 22771 of 2024

Arulmigu Poi Sollal Meyyar Ayyanar Swamy Temple,
Rep., by its Village Ambalam,
Saravanan,
Kattu Athangudi Village,
Sirukoodalpatti Post,
Sivagangai District.

.. Petitioner

Vs.

1.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Paramakudi, now at Sivagangai.

2.The Executive Officer/Fit Person,
A/m. Muthumariamman Kovil,
Karaikudi, Sivagangai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records of the Impugned Order in Na.Ka.502/10/A6, dated 18.07.2011 passed by the first respondent and quash the same.



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For Petitioner : Mr.RM.Arun Swaminathan
For R1 : Mr.P.Subbaraj
Special Government Pleader
For R2 : Mr.V.Chandrasekar

ORDER

The challenge to the writ petition is an order of the year 2011 appointing a Fit Person for the petitioner-temple viz., Arulmigu Poi Solla Meyyar Ayyanar Swamy Temple at Kattu Athangudi Village, Thiruppathur Taluk.

2. When the matter was taken up for hearing, the learned Special Government Pleader as well as the learned counsel appearing for the Fit Person would contend that the temple had been taken over in the year 2011 and thereafter, in the year 2013, a consecration of the temple had been conducted by the Fit Person and now sanction has also been accorded for the Commissioner for carrying on consecration work of the temple as per the Agamas. Further, it is the case of the respondents that



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the petitioners have illegally demolished portion of the temple and they are trying to carry on the consecration work by themselves without getting any sanction from the Department as envisaged by the Division Bench of this Court in *suo motu* W.P.(MD) Nos.504 of 2015 and 24178 of 2018, dated 07.06.2021.

3. Even though the learned counsel for the petitioner disputes the appointment of the Fit Person for the temple in the year 2011, it could be seen that the Fit Person also conducted a consecration in the year 2013, which also has been disputed.

4. From the documents produced by the second respondent, it could be seen that a report had been given by the Sthabathi on 23.07.2024, an opinion by the Archeologist on 18.08.2024 and thereafter, sanction has also been accorded by the Regional Committee and permission had been granted by the State Level Experts Committee. These proceedings are in consonance with the orders of the Division Bench indicated *supra*. The Division Bench had laid down the



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procedures to be followed before consecration of a temple and the same had been followed by the authorities. It is also to be noted that the Hon'ble Division Bench, in the very same judgment, had given a direction calling for details with regard to the appointment of Fit Persons and the step taken by the Department to appoint Trustees of the Temple.

5. In the present case, the Fit Person has been appointed in the year 2011 and no records have been produced before this Court to substantiate the steps taken by the Department for appointment of Trustees to the Temple. In such view of the matter, the following directions are issued:

- a) The authorities shall take immediate steps to appoint Trustees for the Temple, as the Fit Person appointed cannot continue in perpetuity;
- b) Since already proceedings have been initiated for conducting Kumbabishegam by the respondents, the respondents shall continue making arrangements for carrying on the work for conducting the Kumbabishegam. However, the same shall not be done without appointing Trustees to the Temple;



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- c) Such exercise of appointment of Trustees to the Temple shall be completed by the Department within a period of three months from the date of receipt of a copy of this order and thereafter, the Department shall conduct the consecration festival with the combined effort of the appointed Trustees of the Department; and
- d) In view of the aforesaid order, the petitioner shall not make any alternations to the Temple.

6. With the aforesaid directions, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18.11.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
abr

To

The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Paramakudi, now at Sivagangai.



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K.KUMARESH BABU, J.

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