



WP(MD)Nos.28087 of 2022, 219, 2996 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)Nos.28087 of 2022, 219, 2996 of 2023
and
WMP(MD)Nos.183, 184, 186, 2814, 2817 of 2023

WP(MD)No.28087 of 2022:-

M.Parthipan

.. Petitioner

v.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Pudukottai.

4.Periyakaruppan

5.Saravanakumar

.. Respondents

[R.4, R.5 impleaded vide order dated 21.12.2022]



WP(MD)Nos.28087 of 2022, 219, 2996 of 2023

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the third respondent to form a 'Thiruppani Committee' to expedite the reconstruction of the demolished Temple (Arulmighu Kazhani Udaiya Ayyanar alias Pannirendu Ayyanar and Sri Pathira Kaaliyamman Temple) situated in S.No.6/1 comprises of 0.67.0 Hectare situated at Aalapiranthan Revenue Village, Aranthangi Taluk, Pudukottai District, excepting the persons who indulge in demolition of Temple, on the basis of the petitioner's representation dated 05.12.2022, within a stipulated time limit.

For Petitioner : Mr.Ramesh Mahadev

For Respondents : Mr.P.Subba Raj,
Special Government Pleader
for R.1 to R.3

Mr.H.Laxmi Shankar
for R.4, R.5



WP(MD)Nos.28087 of 2022, 219, 2996 of 2023

WP(MD)No.219 of 2023:-

1.A.Kannan

2.S.Mangudi

.. Petitioners

v.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Pudukottai.

4.The Fit Person / Thakkar,
Arulmigu Kalani Udaiya Ayyanar @ Pannirendu Ayyanar
and Pathrakaaliyamman Temple,
Pachalur Village, Kanchiravayal,
Aranthangi Taluk,
Pudukottai District.

5.M.Parthipan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned notice issued by the fourth respondent



WP(MD)Nos.28087 of 2022, 219, 2996 of 2023

based on the proceedings in Ve.A.No.140/Se.Pa.Tho.A/Pudukottai, dated 28.12.2022, inviting applications for formation of Thiruppani Committee to Arulmigu Kalaniydaiya Ayyanar @ Pannirendu Ayyanar Temple, Pachalur, quash the same and directing to continue the renovation works of the said Temple either with the existing Committee or a reconstituted Committee with the villagers of Pachalur Village.

For Petitioners : Mr.V.R.Shanmuganathan

For Respondents : Mr.P.Subba Raj,
Special Government Pleader
for R.1 to R.3

Mr.G.Mathavan for R.4

Mr.Ramesh Mahadev for R.5

WP(MD)No.28087 of 2022:-

U.Suresh

.. Petitioner

v.

1.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Pudukottai.



WP(MD)Nos.28087 of 2022, 219, 2996 of 2023

2.The Fit Person Appointee,

Arulmigu Kalani Udaiya Ayyanar @ Pannirendu Ayyanar

and Pathrakaaliyamman Temple,

Pachalur, Kanchiranjayal Village

cum the Executive Officer,

Arulmigu Veeramakaliamman Thirukovil,

Aranthangi Taluk,

Pudukottai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records relating to the impugned proceedings issued by the first respondent in Se.Mu.Na.Ka.No.1306/2015/E1 dated 23.05.2022 and quash the same.

For Petitioner : Mr.V.R.Shanmuganathan

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

Mr.G.Madhavan for R.2

COMMON ORDER

These writ petitions pertain to the affairs of Arulmigu Kalani Udaiya Ayyanar @ Pannirendu Ayyanar and Pathrakaaliyamman Temple, situated at Kaancheeranjayal Village, Aalapiranthan Taluk, Pudukottai District.



WP(MD)Nos.28087 of 2022, 219, 2996 of 2023

WEB COPY

2.WP(MD)No.28087 of 2022 is filed by one Parthipan seeking a mandamus to constitute a Thirupani Committee for the reconstruction of the demolished Temple.

3.WP(MD)No.219 of 2023 is filed by one Kannan and Mangudi as against the advertisement issued by the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, calling for applications for appointment of Thirupani Committee.

4.WP(MD)No.2996 of 2023 is filed by one Suresh as against the order passed by the Joint Commissioner, Hindu Religious and Charitable Endowments Department, dated 23.05.2022, appointing Fit Person to the Temple.

5.Since all the writ petitions are pertaining to the same Temple, all of them are heard together and are disposed of by way of this common order.



WEB COPY

6.The subject Temple is a 100 years old Temple. It appears there is some dispute with regard to the administration of the Temple. Parthipan [petitioner in WP(MD)28087/2022] belongs to Aalapiranthan Village. According to him, the Temple lies in Aalapiranthan Village and he is also relying on the revenue records to this effect. He further claims that he is doing Annathanam service on every chitra pournami in the subject Temple.

7.The case of Parthipan is that the Villagers of Pachalur, under the guise of Thirupani, have intentionally demolished some structures of the Temple, for which, a complaint was lodged before the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Pudukottai. Thereafter, the Inspector of Hindu Religious and Charitable Endowments Department has lodged a criminal complaint as against the members of the Thirupani Committee and the same was registered in Crime No.243 of 2022, dated 04.05.2022, for the offence u/s.147, 148, 448, 427 IPC, on the file of the Aranthangi Police Station, as against one Suresh and five others, the Tirupani Committee Members. Of these six persons



WP(MD)Nos.28087 of 2022, 219, 2996 of 2023

who are arrayed as accused, Suresh is the petitioner in WP(MD)No.2996 of 2023 and Mangudi is one of the petitioners in WP(MD)No.219 of 2023.

These so-called Tirupani Committee Members were arrested by the Inspector of Police, Aranthangi Police Station and now, they are released on bail. The criminal case is under investigation.

8.The case of the petitioners in WP(MD)No.219 of 2023 is that the respondents have invited applications for constituting a Tirupani Committee, as if this Court has granted such permission. However, no such permission was granted by this Court. The Tirupani Committee was already in existence and they have also spent around Rs.46 Lakhs for the Tirupani. This Tirupani Committee has obtained necessary permissions from the appropriate authorities.

9.An announcement has been made in the Assembly for Tirupani works in the subject Temple. Pursuant to the same, the Joint Commissioner, by proceedings dated 23.05.2022, appointed Fit Person, apprehending law and order issues and also to execute the work, as announced in the



Assembly. Challenging this appointment, one of the accused in Crime No.

243 of 2022, Suresh, has filed the writ petition in WP(MD)No.2996 of 2023.

10.Heard the learned Counsel appearing for the respective parties.

11.The issue with regard to the administration of this Temple was already decided by the Joint Commissioner, in O.A.No.38 of 1987, dated 07.05.2006, as follows:-

“... The evidences of CW1 and CW2 and the reports Ex.C1, C2 and C3 go to show that the temple is maintained by the villagers of Pachalur, they are maintaining the accounts and are arranging for the performance of the poojas. The Ex.B3 and B4 shows that the accounts are maintained by the villagers. Ex.B5 shows that the Narpani Mandram has passed many resolutions, thereby, it is seen that the Mandram is in management. In Ex.B8 it is seen that the collections is made from the villagers for the poojas. Ex.B18 shows 2C Patta tax receipt issued in the name of the Narpani Mandram. Ex.B21 shows that even in the earlier times the management was with Ambalakarars. Ex.B28 shows that the Narpani Mandram has been paying the Electricity Charges. It is clearly seen from the evidences and the documents that the petition mentioned temple was, earlier managed by the villagers through their



Ambalakarars and later along with the villagers and then by the Nalvazhi Narpani Mandram. The petitioners have failed to prove that their management of the temple is continuously without any interference. Hence it is concluded that the petitioners have failed to prove their case that they are in the management of the temple and hence, the petition is dismissed."

12.The petitioner in WP(MD)No.28087 of 2022 raised an issue that this Temple lies in Aalapiranthan village and therefore, the villagers of Aalapiranthan are also having a right to administer the Temple. However, the Joint Commissioner has already passed an order holding that the villagers of Pachalur are maintaining the Temple. Therefore, this Court is not inclined to accede this request of the petitioner in WP(MD)No.28087 of 2022.

13.Admittedly, a criminal case has been registered at the instance of the Hindu Religious and Charitable Endowments Department that some portions of the Temple were demolished and the investigation is still pending. The litigations, which is pending before this Court, itself would



WP(MD)Nos.28087 of 2022, 219, 2996 of 2023

expose the dispute among the parties. Since an FIR has already been registered and pending as against the members of the Tirupani Committee, it would not be proper to allow such members to continue. Therefore, the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Pudukottai, shall constitute a new Tirupani Committee, from the villagers of Pachalur village, as ordered in O.A.No.38 of 1987, within a period of four weeks from the date of receipt of a copy of this order.

14.The Assistant Commissioner, through the Fit Person, shall ensure that the Tirupani of the Temple is conducted without any break and also with the co-operation of all the devotees of the Temple, including the petitioner in WP(MD)No.28087 of 2022.

15.The petitioner in WP(MD)No.28087 of 2022, Parthipan, claims that he is also doing some service to the Temple. In the event if the petitioner is willing to provide some service or some donations to the Temple, it can also be accepted by the Assistant Commissioner and he can also be permitted to do some service to the Temple, in the individual capacity. He



WP(MD)Nos.28087 of 2022, 219, 2996 of 2023

is at liberty to approach the Joint Commissioner for necessary orders, if he is claiming any right over the Temple.

With the above observations and directions, all the three writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No **26.03.2024**
NCC : Yes / No
Internet : Yes
gk

To

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Pudukottai.



WEB COPY



WP(MD)Nos.28087 of 2022, 219, 2996 of 2023

B.PUGALENDHI, J.

gk

WP(MD)Nos.28087 of 2022, 219, 2996 of 2023

26.03.2024