



W.P.(MD) No.28569 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.28569 of 2024

and

W.M.P.(MD) No.24228 of 2024

S.Rajendiran

... Petitioner

/vs./

1.The Commissioner,
Hindu Religious and Charitable Endowment Dept.,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Dept.,
S.M.Road, nearly Temple Tower,
Thanjavur.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Dept.,
North 3rd Street,
Pudukkottai.

4.The Executive Engineer,
Hindu Religious and Charitable Endowment Dept.,
Shri Pragathammabaaal Kovil Campus,
Pudukkottai District.



W.P.(MD) No.28569 of 2024

5.Sundarajan

WEB C (R5 has been suo motu impleaded vide order dated 28.11.2024)

6.Lakshminarayanan

(R6 has been impleaded vide order dated 04.12.2024)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for records pertaining to 4th respondents proceedings in Na.Ka.529/2024/H dated 14.10.2024 and quash the same and consequently direct the respondents to permit the petitioner to contribute and construct compound wall renovation work of Sivan temple namely Arulmigu Loganayagi Ambal Sameetha Balapureeswarar Temple situate at Kovilur, Alangudi Taluk, Pudukkottai District by consideration petitioner's representation dated 20.11.2024.

For Petitioner	:	Mr.A.Aruljenifer for M/S.KBS Law Office
For R1 to R3	:	Mr.P.Subbaraj Special Government Pleader
For R4	:	Mr.V.Chandrasekar
For R5	:	Mr.K.C.Maniyarasu
For R6	:	Mr.S.Alagusundar

ORDER

The writ petition had been filed challenging the order of the fourth respondent herein in his proceedings dated 14.10.2024.



W.P.(MD) No.28569 of 2024

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2. The rejection of the request of the petitioner is on the pretext that the construction of compound wall has been allotted to the newly impleaded fifth respondent and steps had been taken by the Department in that aspect. The issue for renovation of the temple had also been the subject matter of the writ petition in W P. (MD) No.12164 of 2024 initiated by the fifth respondent and recording the statements made on behalf of the Department and taking into consideration the order passed by the Joint Commissioner dated 25.01.2022, the request of the petitioner to allow him for renovation of the temple concerned was found to be too late.

3. In spite of the said order, the fifth respondent herein had made a further application to the Department seeking for contribution for certain renovation works and had approached this Court in W P. (MD) No.16655 of 2024 to consider his request based upon his representation dated 01.06.2024 and 24.06.2024. The said request was rejected indicating that already the donors had been identified for the work that he had requested and the said order indicated that after the Kumbabishegam is over, the assessment of the price for putting up the compound wall will be made and may be thereupon the petitioner can approach the authorities. However, being aggrieved by the same, the fifth respondent had challenged the said order in WP (MD) No.20960 of 2024.



W.P.(MD) No.28569 of 2024

WEB COPY

4. Recording the submission of the learner Additional Government Pleader, which would have been made on instructions that the compound wall is yet to be initiated and if the petitioner submits a representation when there is a proposal to construct the compound wall, the same would be considered and the fifth respondent would be permitted to participate in the said work and any contribution made by the fifth respondent would also be accepted, this Court had directed the authorities to consider the representation of the fifth respondent if any made for construction of the compound wall. This order was made by the Court on 03.09.2024. The present impugned order had been passed on 14.10.2024.

5. It has been represented by Mr.P.Subbaraj, learned Special Government Pleader appearing on behalf of the respondents 1 to 3 that the claim of the petitioner can be considered for other works that are yet to be completed in respect of the temple. Therefore, he would submit that even though the impugned order had rejected the claim of the petitioner, the claim of the petitioner could be considered for any other works of the temple. The petitioner can make a representation to the respondents for grant of remaining works in the temple and when such a representation is made, the same shall be considered in favour of the petitioner. He would also submit that the Kumbabishegam of the temple has been fixed on (*)10.02.2025 and the same should also be performed as per the date fixed for the



W.P.(MD) No.28569 of 2024

Kumbabishegam of the temple.

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6. I have considered the rival submissions made by the learned counsel on either side.

7. Under the impugned order, the petitioner's request to allow him to take part in the construction of the compound wall had been rejected on the ground that already steps have been taken to grant the said work to the fifth respondent herein. The allotment of work to the fifth respondent had not been challenged by the petitioner.

8. Be that as it may, a statement had been made on behalf of the Official respondents that if the petitioner makes a representation to the respondents to allot any other work to him, which is yet to be carried out in the temple premises, the same could be considered in his favour. In view of the same, I do not propose to interfere with the order impugned herein, as the Kumbabishegam of the temple had been fixed on (*)10.02.2025.

9. In such view of the matter, the Writ Petition stands disposed of with liberty to the petitioner to make a representation to the second respondent seeking to allot any other remaining works to be carried out in the temple premises and when such a representation is made, the same shall be favorably considered by the second respondent and the work shall be allotted to the petitioner. It is made clear that non



W.P.(MD) No.28569 of 2024

WEB COPY

completion of the compound wall work allotted to the fifth respondent or the consideration of the request of the petitioner shall not preclude the conduct of the Kumbabishegam to the temple on (*)10.02.2025.

10. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

**(*)Corrected as per the order of this court dated
28.01.2025 made in WP(MD)No.28569 of 2024**

Sd/-

Assistant Registrar

// True Copy //

29/01/2025

Sub Assistant Registrar
(CS - I/ II / III /IV)

mm

To

1.The Commissioner,
Hindu Religious and Charitable Endowment Dept.,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
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W.P.(MD) No.28569 of 2024

3.The Assistant Commissioner,
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+1 CC to M/s.SPL.GP (SR-5849[F] dated 29/01/2025)

W.P.(MD) No.28569 of 2024
04.12.2024

MK/29.01.2025 7P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023