WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.3639 of 2025

Sri Ongaliamman Trust
Represented by
K.Palanisamy
Secretary
No.7/60-4, Sri Ongaliamman Temple
Selavadai Village, Omalur Taluk
Salem – 636 501. .. **Petitioner**

Vs.

The Assistant Commissioner
Hindu Religious Charities & Endowment Board
Salem. .. **Respondent**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondent to ratify the respondent records and remove the details with regard to land in S.No.203 / 4B & 203 / 6B & 203 / 7B from temple land category and to pass such further reliefs.

For the Petitioner : Mr.S.Sheik Ismail

For the Respondent : Mr.K.Karthikeyan
Government Advocate

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

This Writ Petition is filed for a Mandamus to direct the respondents to rectify the records and remove the details with regard to the land in Survey Nos.203/4B, 203/6B and 203/7B from the temple land category.

2. The grievance of the petitioner is that the land in Survey Nos.203/4B, 203/6B, 203/7B belonging to Ongaliamman temple at Selavadai Village, Omalur Taluk. However, while passing the order of appointing a fit person, on 23.12.2020, in the annexure to the order while mentioning the land details, these lands are mentioned as if they belong to Arulmigu Thukkampatty Kaliamman Temple, Selavadai.

3. When the matter came up for hearing, the learned Government Advocate appearing on behalf of the respondent, on instructions would submit that the claim of the petitioner that Sri Ongaliamman temple is a private temple is disputed. It is not a private temple. Already, a separate order has been passed with reference to that temple also.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. There are two issues in this matter, whether Sri Ongaliamman Temple is a private temple or public temple is a different question and it is not called for in this Writ Petition and this Court is also not deciding the said issue. If the petitioner wants to dispute that the temple is not a public temple, it would be very well open for the petitioner to approach the Joint Commissioner under Section 63 A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 or the appropriate Civil Court. But, as far as the grievance expressed in this Writ Petition with reference to the prayer is concerned, it is a simple case that the land belongs to the petitioner temple is shown as if it belongs to the other temple.

5. In view of the said grievance, the respondent is directed to conduct an enquiry in this regard. In the enquiry the respondent shall give an opportunity to the petitioner as well as the fit person or the trustees of the other temple and decide the issue. If the respondent finds that the claim of the petitioner is correct, the records have to be corrected as if the lands belongs to Sri

https://www.mhc.tn.gov.in/judis

WEB COPY

Ongaliamman temple. The said exercise shall be carried out, not later than a period of eight weeks from the date of receipt/production of a website uploaded copy of the order, without waiting for the certified copy.

6. With the above directions, this Writ Petition stands disposed of. No costs.

06.02.2025

Neutral Citation : No

Jer

To
The Assistant Commissioner
Hindu Religious Charities & Endowment Board
Salem.

https://www.mhc.tn.gov.in/judis

WEB COPY

D.BHARATHA CHAKRAVARTHY, J.

Jer

W.P.No.3639 of 2025

06.02.2025

https://www.mhc.tn.gov.in/judis