



W.P.No.5663 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 19.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

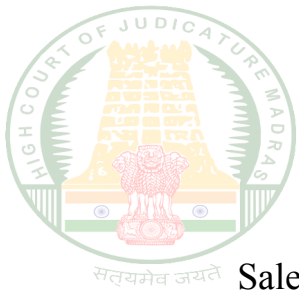
W.P.No.5663 of 2025
and W.M.P.No.6254 of 2025

S.Prakash

.. Petitioner

Versus

1. The Revenue Divisional Officer,
Salem Division,
Salem District.
2. The Tahsildar,
Hasthampatti,
Salem - 7.
3. Lakshmi
4. Kulandaiammal
5. Parvathi
6. Indirani
7. Angamuthu
8. The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department,



W.P.No.5663 of 2025

Salem - 7.

.. Respondents

WEB COPY

(R8 is suo motu impleaded vide order, dated 19.02.2025)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus directing the 1st and 2nd respondents to permit the petitioner and his agnates to perform the temple festival for 'Arulmigu Sri Angalamman Thiru Kovil' situated in T.S.No.128, Ward-J, Block-9, East Street-3, Johnson Nagar, Hasthampatti, Salem-7 from 26.02.2025 to 01.03.2025 based on the representation of the petitioner, dated 31.01.2025.

For Petitioner : Mr.A.R.Suresh

For Respondents : Dr.S.Suriya,
Additional Government Pleader,
for RR-1 and 2

: Mr.S.B.Viswanathan, for RR-3 to 7

: Mr.N.R.R.Arun Natarajan,
Special Government Pleader
for HR & CE Department, for R8

ORDER

Considering the nature of the case, the Assistant Commissioner, Hindu



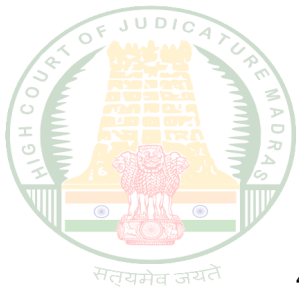
W.P.No.5663 of 2025

Religious and Charitable Endowments Department, Salem - 7 is suo motu
WEB COPY

impleaded as the eighth respondent.

2. This Writ Petition is filed for a mandamus directing the respondent Nos.1 and 2 to permit the petitioner and his agnates to perform the temple festival for Arulmigu Sri Angalamman Thiru Kovil, situated in T.S.No.128, Ward - J, Block - 9, East Street - 3, Johnson Nagar, Hasthampatti, Salem from 26.02.2025 to 01.03.2025 based on the representation of the petitioner, dated 31.01.2025.

3. Heard *Mr.A.R.Suresh*, learned Counsel for the petitioner, *Dr.S.Suriya*, learned Additional Government Pleader for the respondent Nos.1 and 2, *Mr.S.B.Viswanathan*, learned Counsel for the respondent Nos.3 to 7 and *Mr.N.R.R.Arun Natarajan*, learned Special Government Pleader for the HR & CE Department for the eighth respondent.



W.P.No.5663 of 2025

WEB COPY

4. The learned Counsel for the petitioner would submit that the temple is a private temple and the petitioner and his agnates are the ones who have established the temple in their own private land and are managing the affairs of the temple and it is not a public temple at all. While so, when there was a dispute between two groups in the family members in the guise of conducting public meeting, the concerned Revenue Divisional Officer directed locking of the temple and keeping it under lock and key until the matter is decided in the Civil Court. The matter is still pending in the Civil Court. While so, for the previous years, when the petitioner approached this Court, this Court permitted the petitioner along with the respondents to jointly conduct the festival. He prays for similar prayer for this year also.

5. *Mr.N.R.R.Arun Natarajan*, learned Special Government Pleader taking instruction from the impleaded eighth respondent would submit that the temple, *prima facie*, appears to be a public temple and there is no such declaration that it is a private temple. In any event, for this year, the festival



W.P.No.5663 of 2025

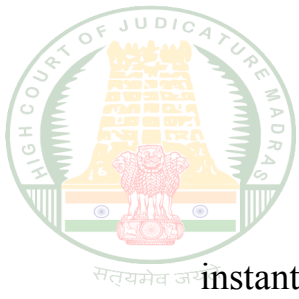
WEB COPY

can be conducted under the supervision of the eighth respondent himself.

6. *Dr.S.Suriya*, the learned Additional Government Pleader for the first respondent would submit that only to maintain peace between 'A' party and 'B' party, such an order was passed.

7. *Mr.S.B.Viswanathan*, learned Counsel for the respondent Nos.3 to 7, would submit that they will also join with the petitioner like the previous years and conduct the festival.

8. Every year, interim orders have been passed granting permission to the petitioner and the respondents in the presence of the Assistant Commissioner to conduct the festival. There is no impediment that an order can be passed for this year also. But, however, it seems that every year, the Writ Petition is filed by adding some parties as the respondents who are also along with the petitioner. The main question that is to be gone into in the



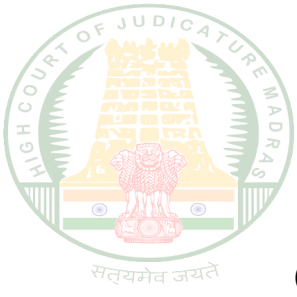
W.P.No.5663 of 2025

WEB COPY

instant case is that whether the temple is a private temple or a public temple.

If, in the opinion of the newly impleaded eighth respondent, this temple is a public temple, then, they should immediately take steps to appoint a fit person and also take steps to appoint trustees who can be the petitioner also or other devotees. On the other hand, if the temple is a private temple, the petitioner shall file such an application under Section 63(a) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, before the appropriate Joint Commissioner or approach the competent Civil Court for a declaration that it is a private temple.

9. In the absence of such a declaration, it is the settled law that any temple will be *prima facie* presumed to be a public temple. Therefore, such an exercise shall also be undertaken and the temple cannot be eternally closed and year on year, the directions cannot be given by this Court to conduct the festival. In view thereof, this Writ Petition is disposed of on the following terms:-



W.P.No.5663 of 2025

WEB COPY

(i) For the ensuing Masi magam festival from 26.02.2025 to 01.03.2025, the petitioner along with the private respondent Nos.3 to 7, are permitted to conduct the festival under the supervision of the eighth respondent namely, the Assistant Commissioner, HR & CE Department, Salem;

(ii) If any permission has to be taken from the Police for conducting procession etc., the authorities shall do so;

(iii) If the temple is a public temple, within a period of three weeks from the date of receipt/production of a web-copy of this order, the authorities shall forthwith appoint a fit person and take steps to regularly manage the temple and open the temple for the worship of the devotees and it cannot be kept under lock and key and all the festivals will be thereafter conducted only by the fit person, of course, with due co-operation and help of all the devotees;

(iv) If the petitioner and the private respondents claim that it is a private temple, they shall move the appropriate authority namely, the Joint



W.P.No.5663 of 2025

Commissioner, by filing an application or by filing a suit before the Civil
WEB COPY

Court and get a declaration;

(v) Needless to mention that immediately, for the purpose of conduct of the festival as aforesaid, the revenue authorities shall also open the temple and thereafter, hand over the lock and keys to the HR & CE Department;

(vi) There shall be no order as to costs.

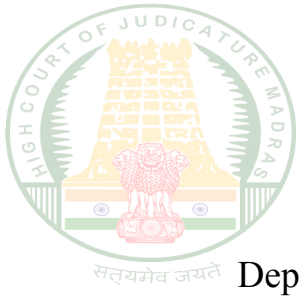
19.02.2025

Neutral Citation : no
grs

To

1. The Revenue Divisional Officer,
Salem Division,
Salem District.
2. The Tahsildar,
Hasthampatti,
Salem - 7.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments

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



W.P.No.5663 of 2025

Department,
Salem - 7.



WEB COPY



W.P.No.5663 of 2025

D.BHARATHA CHAKRAVARTHY, J.

grs

W.P.No.5663 of 2025
and W.M.P.No.6254 of 2025



WEB COPY



W.P.No.5663 of 2025

19.02.2025