



W.P.No.6791 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.6791 of 2022
and WMP.Nos.6869 & 6872 of 2022

S.Raja

... Petitioner

vs.

- 1.The District Collector,
Office of the District Collector,
Cuddalore District.
2. The Assistant Director (Panchayath),
Virudhachalam, Cuddalore District.
3. The Block Development Office,
Office of the Block Development Officer (Scheme),
Srimushnam Taluk, Cuddalore District.
4. The Assistant Commissioner (HR & CE),
Office of the Assistant Commissioner,
Cuddalore.
5. The President,
Mazhavarayanallur Village Panchayat,
Srimushnam Taluk,
Cuddalore District.
6. Selvaraj



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7. The Commissioner,
Hindu Religious and Chairtable Endowments (HR & CE)
Office of the Commissioner (HR & CE),
Cuddalore District.

8. The Inspector of Temple (HR & CE)
Sri Mazhavarayanallu Kovil Mariamman Temple,
Office of the Inspector of temple,
Bhuvanagiri and Taluk, Cuddalore District.

(R7 & R8 impleaded vide order dated 18.04.2022
made in WMP.No.8920/2022)

9. Arulmighu Mariamman Thirukoil,
Mazhavarayanallur Village,
Srimushnam Taluk,
Cuddalore District.

(R9 - Suo motu impleaded as per order
dated 18.02.2025)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records pertains to the impugned proceeding of the 5th respondent dated 22.12.2021 in respect of exclusive fishing license over the Maariamman Kovil Temple at Survey No.56/6 Mazhavarayanallur Village, Srimushnam Taluk given to the 6th respondent and quash the same .

For Petitioner : Mr.P.R.Thiruneelakandan

For R1 to R3 & R5 : M/s.P.Aishwaraya
Govt.Advocate



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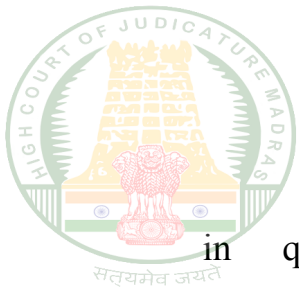
For R4, R7 to R9 : Mr.Arun Natarajan
Spl.Govt.Pleader

For R6 : M/s.R.Preetha

ORDER

The present writ petition has been filed challenging the impugned proceedings of the fifth respondent dated 22.12.2021 and quash the same.

2. It is the case of the petitioner that the temple for the deity of Arulmigu Mariamman Thirukoil situated at Mazhavarayanallur Village, Srimushnam Taluk, Cuddalore District is a Hindu Public Religious Institution. The public in and around the village use the temple tank for all the purposes including fishing, bathing and washing. As the said water tank is temple tank under Administration control is vested with the HR & CE Department. While so, the 5th respondent Panchayat President has passed the impugned proceedings dated 22.12.2021 granting the fishing license over the tank at S.No.56/6, Mazhavarayanallur Village, Srimushnam Taluk to the petitioner, According to the petitioner, the tank



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in question belongs to the Maariamankovil Temple at Mazhavarayanallur Village and without having any rights, the 5th respondent has leased out the fishing right.

3. The learned counsel appearing for the petitioner submitted that he has filed a writ petition challenging the order passed by the 5th respondent dated 22.12.2021 granting fishing rights of the temple tank belongs to Arulmigu Mariamman Thirukoil situated at Mazhavarayanallur Village Main Road, Srimushnam, Cuddalore District.

4. The learned Special Government Pleader appearing for the respondents R4, R7 to R9 /H.R & CE Department submitted that the 4th respondent has filed a counter affidavit dated 18.02.2022. The relevant portion of the said counter, it is extracted hereunder :-

“5. It is submitted that neither the 3rd respondent nor 5th respondent has any right over the said temple tank nor they don't have any authority or right and control over the said tank for leasing out the right of fishing license through public auction. The total extent of tank comprises in S.No.56/5 is Ac.2.83 and in S.No.56/6 is Ac.2.57 being used and recognized by the public as temple tank and



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it does not belong to panchayat who never claimed any exclusive right over the same.

6. It is submitted that all the old revenue record revealed that the suit tank belongs to Arulmigu Mariyamman Temple.
8. It is submitted that the 8th respondent herein, in the capacity of Fit Person for the suit temple, has sent a communication dated 27.04.2022 to the 3rd respondent briefing that the subject matter of the tank belongs to Arulmigu Mariyamman Temple in which the H.R & C.E. Department alone has got exclusive right and thereby requested the 3rd respondent not to accord any permission to the 5th respondent to put the property for public auction for fishing rights and requested him to credit the amount of Rs.3,29,000/- in the temple.

5. The learned Government Advocate appearing for R4, R7 to R9 further submitted that the 5th respondent has been directed to credit the amount of R.3,29,000/- into temple account but till now the same was not done by the 6th respondent. He further submitted that since money has to be credited in the temple account by the 6th respondent and hence it is necessary to implead the temple as the 9th respondent in the present writ petition.



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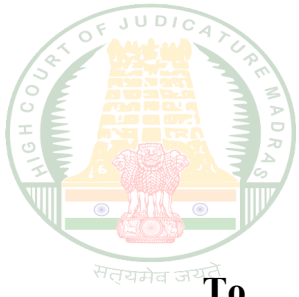
6. Heard the learned counsel appearing on either side and also perused the materials available on records.

7. In view of the submissions made by the learned counsel on either side, Arulmighu Mariamman Thirukoil, Mazhavarayanallur Village, Srimushnam Taluk, Cuddalore District, is suo-motu impleaded as a party-respondent, namely the 9th respondent. The 5th respondent, The President, Mazhavarayanallur Village Panchayath is directed to credit the amount of Rs.3,29,000/- into the name of the temple account, within a period of four weeks from the date of receipt of a copy of this order.

8. This writ petition stands disposed of with the above direction.
No costs. Consequently, connected miscellaneous petitions are closed.

18.02.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
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To
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J.SATHYA NARAYANA PRASAD, J.

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