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W.P.No.36092 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.36092 of 2024 and
WMP No.38995 of 2024

1. Kameshwari
2. Neelambar Reddy
3. Kalyani

rep. by their power of attorney agent
Dr.M.Asir Joyel, S/o Martin Rathinam,
No.21/16, Chandran Street, Guindy,
Chennai 600 032.

... Petitioner

Vs

1. The Commissioner,
Hindu Religious & Charitable Endowment Board,
119, Uthamar Gandhi Road, Thousand Lights West,
Nungambakkam, Chennai 600 034.
2. The Additional Commissioner,
Hindu Religious & Charitable Endowment Board,
119, Uthamar Gandhi Road, Thousand Lights West,
Nungambakkam, Chennai 600 034.
3. The Joint Commissioner,
Hindu Religious & Charitable Endowment Board,
119, Uthamar Gandhi Road, Thousand Lights West,
Nungambakkam, Chennai 600 034.



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4. Sri Vembuli Amman Temple Trust,
Vembuli Amman Street, Alandur,
Chennai 600 016.

5. R.Kothandaram Reddy

6. Vijayaraghavan

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India seeking issuance of Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 30.09.2024, in so far as in the representation, the petitioner had sought to cause an inquiry into the said matter and take action against the fifth and sixth respondents, who represents the fourth respondent temple as its trustees and had been continuously indulging themselves in all such unlawful activities in the name of God, by illegal collection of money, in the name of the Vembuli Amman Temple and accordingly to save the public and devotees from the unlawful action of such errant and deceitful persons, in the interest of justice.

For Petitioner : Mr.N.Sivashankar

For Respondents : Mr.S.Ravichandran, Addl. Govt. Pleader.
for respondents 1 to 3

Mr. V.Jayaprakasa Narayanan
for respondents 4 to 6.



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ORDER

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This writ petition is filed seeking direction to the respondents 1 to 3 to consider the representation of the petitioners dated 30.09.2024 seeking action against the respondents 5 and 6, who are in management of the fourth respondent temple.

2. It is the main case of the petitioners that the respondents 5 & 6 claiming themselves as Trustees of the temple are mismanaging the temple affairs by collecting funds from the public. Therefore, they submitted a representation before the respondents 1 to 3 and the same has not been considered. Hence, they have come before this court.

3. The respondents 4 to 6 filed counter affidavit stating that earlier, the petitioners filed a writ petition before this court in W.P.No.34523/2023 seeking police protection to enjoy the property belonged to the temple situated in S.No.17/2, block No.17, Ward-H, Alandur Taluk and Town. The said writ petition was ordered by this Court on 14.12.2023, by directing the first respondent thereon to grant police protection to the petitioners. Alleging non compliance of the



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said order, the petitioners filed Contempt Petition No.2667/2024. In the said contempt petition, the respondents 5 and 6 filed an application bring it to the notice of this court that there is a dispute with regard to the title of the property and the order of the Assistant Settlement Officer in favour of the petitioners was challenged by the temple by filing a Revision before the Director of Survey and Settlement and the above said fact was suppressed by the petitioners and obtained an orders from this Court. After recording the above fact, this Court passed the following order.

" On suppressing the facts, the petitioners have obtained an order from this Court. It is now brought to the notice of this Court that the order passed by the Assistant Settlement Officer in favour of the petitioners is being challenged and that Revision Petition No.4/3011/2020, filed by the Managing Trustee of the Alandur Sri Vembuliamman Temple Trust is pending. Therefore, this court finds that no contempt has been committed by the police. Hence, this contempt petition is closed."

4. The learned counsel for the respondents 4 and 5 would submit that the petitioner filed the above writ petition and obtained order for police protection by suppressing the Revision filed by the temple and therefore, the present writ petition filed by the petitioner is motivated



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one and hence, the prayer sought for by the petitioner can not be entertained.

5. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that a Fit Person was appointed to the fourth respondent temple by an order passed by the Assistant Commissioner, Chennai in செ.மு.ந.எண்.21 83/2023ஆ2, dated 31.05.2023.

6. By way of reply, the learned counsel for the respondents 4 to 6 would submit the above said order passed by the Assistant Commissioner has not been served to the respondents 4 to 6 and still the respondents 4 to 6 are in the management of the temple.

7. The narration of the above facts would establish that the petitioner already filed a writ petition and obtained an order by not disclosing the pendency of the Revision Petition between the petitioners and the temple with regard to the right over the property. Therefore, this Court is not inclined to issue any positive direction to the



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respondents 1 to 3 to consider the allegations made by the petitioners.

However, since the learned counsel for the respondents 1 to 3 submitted that already a Fit Person was appointed to look after the administration of the fourth respondent temple, the respondents 1 to 3 are expected to act accordance with law.

8. With the above observation, this writ petition is disposed.

There shall be no order as to costs. Connected miscellaneous petition is closed.

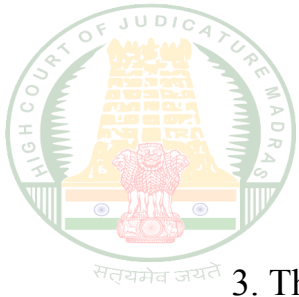
07.01.2025

Index:Yes/No
Internet:Yes/No
mst

To

1. The Commissioner,
Hindu Religious & Charitable Endowment Board,
119, Uthamar Gandhi Road, Thousand Lights West,
Nungambakkam, Chennai 600 034.

2. The Additional Commissioner,
Hindu Religious & Charitable Endowment Board,
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3. The Joint Commissioner,
Hindu Religious & Charitable Endowment Board,
119, Uthamar Gandhi Road, Thousand Lights West,
Nungambakkam, Chennai 600 034.
4. Sri Vembuli Amman Temple Trust,
Vembuli Amman Street, Alandur,
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S.SOUNTHAR, J.

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