



W.P(MD)No.5000 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.5000 of 2025

and

W.M.P(MD)No.3610 of 2025

Kulasekaraperumal Pillai

..Petitioner

Vs

- 1.The District Collector,
Kanyakumari District,
Kanyakumari.
- 2.The Tahsildar,
Thovalai Taluk,
Thovalai,
Kanyakumari District.
- 3.The Joint Commissioner / Executive Officer,
Head Office,
(Kanyakumari District Temples)
Susindram,
Kanyakumari District.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department Office,
Mettutheru,
Vadiveeswaram,
Kanyakumari District.



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5.K.Venkatachalamoorthi

6.K.S.Arumugam

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..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents No.1 and 2 to take appropriate action in the nature of forbearing the respondents No. 3 to 6 herein from interfering with the petitioner and his Trust people work relating to the management and administration of the Trust Temple namely Kattuputhur, Kulasekara Nangaianman Thirukovil and Arulmigu Arasaradi Sastha Thiruvkoil, Kattuputhur comprised in Old Survey No.151/1, New Survey No.151/2 situated at Kattuputhur, Azhagiyapandipuram Post, Kanniyakumari District based on the petitioner's representation dated 07.02.2025 submitted in person within a time frame as fixed by this Court.

For Petitioner : Mr.Prahalad Ravi

For Respondents : Mr.K.Selvaganesh
Addl. Govt. Pleader
(for R1, R2 and R4)

Mr.R.Shankar Ganesh (for R3)

ORDER

The petitioner seeks issuance of a Writ of Mandamus to direct the respondents 1 and 2 to take appropriate action in the nature of forbearing the respondents 3 to 6 herein from interfering with the petitioner and his Trust



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people work relating to the management and administration of the Trust Temple namely, Kattuputhur Kulasekara Nangaiamman Thirukovil and Arulmigu Arasaradi Sastha Thiruvkoil, Kattuputhur comprised in Old Survey No.151/1, New Survey No.151/2 situated at Kattuputhur, Azhagiyapandipuram Post, Kanniyakumari District.

2.The petitioner claims that he is the Trustee of the Kattuputhur Kulasekara Nangaiamman Thirukkivil Vellalar Samuthaya Oorvagai Trust. According to him, claiming that Kattuputhur Kulasekara Nangaiamman Temple is a denominational temple. The members of the Vellalar community presented O.S.No.638 of 1981 on the file of the learned Principal District Munsif, Nagercoil. He pleads that after contest, the suit came to be decreed as prayed for, declaring that Kattuputhur Kulasekara Nangaiamman Temple is a religious denominational institution belonging to Vellalar community of Kattuputhur. It is further pleaded that in the very same survey number, there is another temple, by name, Arulmigu Arasaradi Sastha Temple. It is their claim that they want to perform their religious rites which is said to be interfered with by the respondents 3 and 4. Consequently, they gave a representation to the District Collector to take appropriate action. As no action has been taken, the present writ petition.

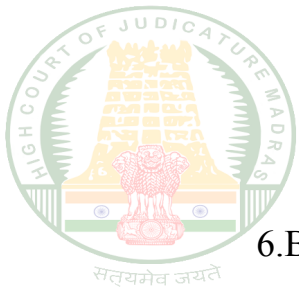


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WEB COPY 3. Heard Mr.B.Prahalad Ravi for the petitioner and Mr.K.Selvaganesh, learned Additional Government Pleader for the respondents 1, 2 and 4 and Mr.R.Shankar Ganesh, learned Standing Counsel for the third respondent.

4. At the outset, I should point out that neither the District Collector nor the Tahsildar have any supervisory control over the respondents 3 and 4. The respondents 3 and 4 act under the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai. Therefore, the representation given to the wrong authority cannot be directed to be disposed of.

5. Mr.R.Shankar Ganesh points out that while Kattuputhur Kulasekara Nangaiamman Temple is a denominational temple, Arulmigu Arasaradi Sastha Temple is a listed institution in terms of Schedule - I read with Section 6(12) of the H.R and C.E Act, 1959. He states that the decree, that was granted in O.S.No.638 of 1981 dated 11.12.1985, will operate only with respect to the Kattuputhur Kulasekara Nangaiamman Temple and not with respect to the Arasaradi Sastha Temple.



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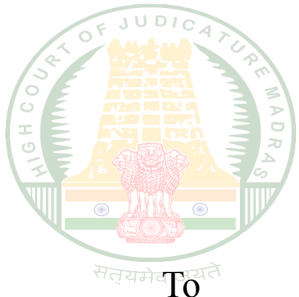
6.Both the counsels representing the respondents 3 and 4 categorically state that the respondents will not interfere with the rights of the community trust with respect to the Kattuputhur Kulasekara Nangaianman Temple.

7. Perusal of Schedule I to the H.R and C.E Act shows that Arasaradi Sastha Temple listed as item No.57. It is one of the incorporated Devaswoms transferred from the erstwhile State of Travancore Cochin to the Tamil Nadu H.R and C.E Board. The said inclusion has not been challenged by the petitioner or their predecessor from 1959 till date. Insofar as the listed temple is concerned, Mandamus cannot be issued directing the H.R and C.E Department not to deal with the temple.

8.In the light of the above discussion, leaving it open to the petitioner to workout his rights, if any, with respect to Arulmigu Arasaradi Sastha Temple and recording the statement of the respondents 3 and 4 that they will not interfere with the affairs of Kattuputhur Kulasekara Nangaianman Temple, this writ petition stands disposed of. No costs Consequently, connected miscellaneous petition is closed.

24.02.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
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V.LAKSHMINARAYANAN, J.

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