



W.P.(MD) Nos.15743 and 15952 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) Nos.15743 and 15952 of 2021

and

W.M.P.(MD) Nos.12693 and 12886 of 2021

W.P.(MD) No.15743 of 2021:

Sri Kannika Parameswari Amman Devasthanam,
Vadkaarai, Periyakulam,
Rep., by its President,
Mr.V.Venkatraman,
Sri Kannika Parameswari Temple,
Vadakarai, Periyakulam,
Theni District.

.. Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Board,
Nungambakkam High Road, Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai-1.
- 3.The Inspector,
Hindu Religious and Charitable



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Endowment Board,
Periyakulam.

4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Dindigul.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records relating to the 3rd respondent in his proceedings impugned order dated 07.08.2021 and quash the same.

W.P.(MD) No.15952 of 2021:

Sri Kannika Parameswari Amman Thirukoil,
144, Bazaar Street,
Uppukottai, Theni District,
Rep., through its Managing Trustee,
A.Subramanian.

.. Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Board,
Nungambakkam High Road, Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai-1.



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3.The Inspector,
Hindu Religious and Charitable
Endowment Board,
Dindigul.

4.The Assistant Auditing Officer,
Hindu Religious and Charitable
Endowment Department,
Madurai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records relating to the 4th respondent in his proceedings Na.Ka.No.292/2021 dated 28.07.2021 and quash the same.

In both W.Ps.

For Petitioner : Mr.PT.S.Narendravasan

For Respondents : Mr.P.Subbaraj
Special Government Pleader

COMMON ORDER

The challenge in the writ petitions is to the communications issued by the Department calling upon the petitioner to furnish certain details with regard to the petitioner-temple in person.



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2. It is the case of the petitioner that the petitioner-temple had been declared to be a denomination temple which would not come within the ambit of the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Two Division Bench judgments have been placed on record in respect of the very same temple in W.A.(MD) No.1279 of 2015, dated 14.08.2018 and W.A.(MD) No.487 of 2009, dated 29.10.2013, where it was held that there was no power with the Hindu Religious and Charitable Endowments Department for the administration of the temple including the constitution of a managing committee and the authority of the Department to seek contribution to the endowment fund from the denomination temple. This fact cannot be disputed by the respondents, as the respondents were parties to the said proceedings. For better appreciation, it would be useful to extract the relevant paragraphs of the Division Bench judgments as under:

W.A.(MD) No.487:

“9. Considering the character of the Temple mentioned in the petition and also considering the direction given in the letter dated 24.08.2005, it is needless to say that the second respondent has



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exceeded his limit and further as pointed out earlier that no power of administration so as to constitute managing committee does not vest with the respondents. Under the said circumstances, the letter dated 24.08.2005 is liable to be quashed.”

W.A.(MD) No.1279 of 2015:

“4. A perusal of the order passed by a Division Bench in W.A.(MD) No.487 of 2009 dated 29.10.2013, it was observed that considering the character of the temple mentioned in the petition and also the direction in the letter dated 24.08.2005, the Hindu Religious and Charitable Endowment Department had exceeded its limit. The respondent has got no power for administration of the said Temple since a decree was obtained before the Civil Court stating that the said temple is a denomination temple and the Hindu Religious and Charitable Endowment Board has got no jurisdiction over the same.”

3. In view of the categorical decision of the two Division Bench of this Court, I am inclined to hold that the impugned orders in these writ petitions have been made without any authority. In such view of the



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matter, these Writ Petitions are allowed and the impugned orders are set aside. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

22.01.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes

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To

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Endowment Board,
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- 3.The Inspector,
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- 4.The Assistant Commissioner,
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K.KUMARESH BABU, J.

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Dated: 22.01.2025