



W.P(MD)No.19117 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

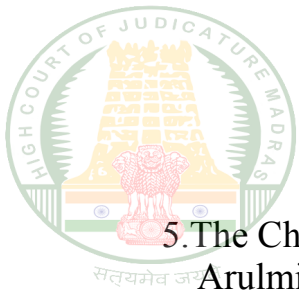
W.P(MD)No.19117 of 2025

R.M.Manikandan

... Petitioner

Vs.

- 1.The Commissioner,
Office of the Commissioner,
H.R and C.E Department,
No. 119, Uthamar Gandhi Salai,
Chennai 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Thanjavur, Thanjavur District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Pudukottai, Pudukottai District.
- 4.The Inspector,
Hindu Religious and Charitable
Endowments Department,
Incharge of Arulmighu Kurunthudaiya
Ayyanar Thirukovil,
Thirumayam Taluk, Pudukottai District.



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5. The Chairman of the Board Trustees,
Arulmighu Kurunthudaiya
Ayyanar Thirukovil,
Thirumayam Taluk,
Pudukottai District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to correct the mentioned situs of Arulmighu Kurunthudaiya Ayyanar temple from Aranamanaipatti Village to Athanur Village (where it is actually situated), in the official records, name boards and for all purpose in the light of the petitioner's representations, dated 10.02.2014, 15.09.2023, 08.07.2024 and 05.07.2025 within a reasonable time to be dertermind by this Court.

For Petitioner	: Mr.N.Dilipkumar
For R1 to R4	: Mr.SS.Madhavan Additional Government Pleader
For R5	: Mr.M.Mahaboob Athiff

ORDER

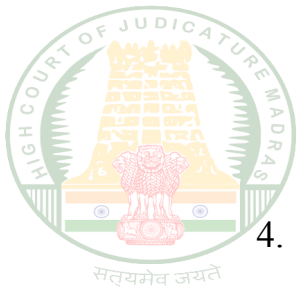
This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner and the learned counsel for the official respondents and the learned counsel appearing on behalf of the respondent No.5.



2. The petitioner claims to be a devotee of the temple namely Arulmighu Kurunthudaiya Ayyanar Thirukovil, Thirumayam Taluk, Pudukottai District.

3. The case of the petitioner is that the petitioner has sent several representations earlier and there was the proceedings of the Joint Commissioner bearing reference Na.Ka.1064/2014 A2, dated 22.03.2017, wherein, the report of the Village Administrative Officer was also considered and recommendation was issued for taking steps for altering the name from Aranmanaipatti in the aforesaid temple to Athanur as the temple is located in Athanur village. The Assistant Commissioner has sent a similar letter to the Joint Commissioner based on the report of the Inspector of HR and CE Department, where in it has been stated as follows:

புதுக்கோட்டை மாவட்டம், திருமயம் வட்டம், அரண்மனைப்பட்டி அறையிலுள்ள குருந்துடைய அய்யனார் திருக்கோயில் அமைவிடம் திருமயம் வட்டம், ஆதனூர் கிராம பஞ்சாயத்து எண்.119/3-ல் 0.19.0 ஓர்ஸ் பரப்பளவில் அமைந்துள்ளது என ஆதனூர் வட்ட கிராம நிர்வாக அலுவலர் சான்று அளித்துள்ளதாகவும், மேலும், மேற்படி திருக்கோயிலை இத்துறை கட்டுப்பாட்டின்படி கொண்டு வந்த முதலறிக்கையிலும் பார்வையில் ஆதனூர் என குறிப்பிடப்பட்டுள்ளதாகவும் முதலறிக்கை படிவத்தில் மட்டும் வ.எண்.1-ல் இடைச்சொற்களாக அரண்மனைப்பட்டி என உள்ளதாகவும் ஆய்வாளர் தனது அறிக்கையில் தெரிவித்துள்ளார் என்ற விவரம் பணிவுடன் தெரிவித்துக் கொள்ளப்படுகிறது. மேலும், பார்வை-பி.கே. காணும் குறிப்பில் ராம. மணிகண்டன் மனு அளித்துள்ளார் என்ற விவரம் பணிந்து தெரிவித்துக்கொள்ளப்படுகிறது. ஆய்வாளர் அறிக்கையின் அடிப்படையில் வருகைப் கிராமத்தினை மாற்றம் செய்வது தொடர்பாக நடவடிக்கை எடுக்கலாம் என்ற விவரம் பணிவுடன் தெரிவித்துக் கொள்ளப்படுகிறது. இத்துடன் பார்வைக் குறிப்பின் நகல் இணைத்து பணிந்து அனுப்பப்படுகிறது.



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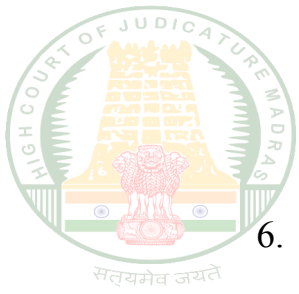
4. The learned counsel for the petitioner would submit that the aforesaid temple indeed belongs to Aathanur village and not to Aranamanaipatti village.

5. The learned counsel for the respondent on the other hand would submit that there is no power vested with the official respondents to consider the petitioner's aforesaid representation to draw attention of the report of the the resolution made in the Peace Committee Meeting and communication of the President of Athanur village, dated 01.09.2022, wherein he has stated as follows:

01.09.2022

APPEAL TO THE VILLAGERS

I am the President of Athanur Village Panchayat. The Arulmigu Aranmanaipatti Kurundhudaiya Iyyanar Temple is a temple that was established by the erstwhile Princely State of Pudukottai and the management of the said temple was vested in persons from six karais of which the predominant karai namely Madhayanai Chidambaram of Aranmanaipatti. The said temple is the traditional temple of Aranmanaipatti and is located in the border between Aranmanaipatti and Athanur. The villagers of Athanur have a separate temple for themselves namely Athinamilagai Iyyanar Temple in the border of Athanur and Kovilapatti. The said temple is maintained and is under the control of the Athanur villagers. While the Kurundhudaiya Iyyanar Temple is maintained for several centuries by the villagers of Aranmanaipatti. The villagers of Athanur have no claim or interest or right in the Kurundhudaiya Iyyanar Temple except the right to worship. Similarly the villagers of Aranmanaipatti have no claim, interest or right in respect of Athinamilagai Iyyanar Temple. Certain persons from other villages are attempting to create communal tensions between the villagers of the two villages. Hence, I request the residents of our village to maintain peace and not fall prey for such instigations.



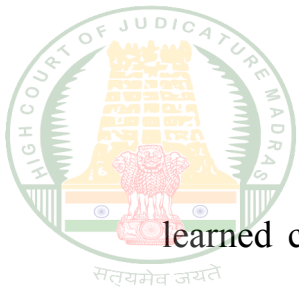
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6. That apart, the petitioner has also initiated the proceedings before this Court in W.P(MD) No.3057 of 2013 for the Writ of Certiorari, to quash the order, dated 12.04.2011 in O.P. No.15 of 2009 on the file of the Joint Commissioner, wherein, challenge was made to the Scheme settled under Section 64(1) of TN HR and CE Act, 1959. It is submitted that the Court had also rejected the prayer and no further appeal has been filed.

7. The learned counsel for the official respondents would submit that the representation of the petitioner will be considered and disposed in terms of Section 23 of TN HR and CE Act, 1959.

8. The learned counsel for the fifth respondent / Trustee of the said temple on the other hand would submit that the powers under Section 23 of TN HR and CE Act are limited in scope and therefore, cannot be exercised in the present case.

9. Having considered the submissions made by the learned counsel for the petitioner and the learned counsel for the official respondents and the



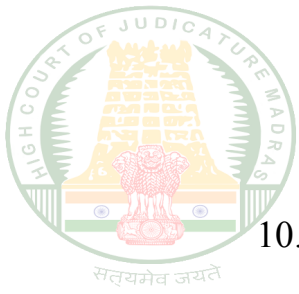
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learned counsel for the fifth respondent, I am inclined to dispose this Writ

Petition by directing the first respondent / Commissioner, HR and CE to exercise the power under Section 23 of TN HR and CE Act, 1959. Power under Section 23 of TN HR and CE Act is wide enough and inclusive in nature. Section 23 is extracted below:

23. Power and duties of 3[the Commissioner] in respect of [temples and religions endowments].—Subject to the provisions of this Act, the administration of all temples (including specific endowments attached thereto) and all religious endowment] shall be subject to the general superintendence and control of the Commissioner and such superintendence and control shall include the power to pass any orders which may be deemed necessary to ensure that such temples and endowments are properly administered and that their income is duly appropriated for the purposes for which they were founded or exist :

Provided that the Commissioner shall not pass any order prejudicial to any temple or endowment unless the trustees concerned had a reasonable opportunity of making their representations.



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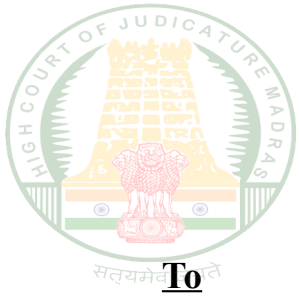
10. Before passing the order, the petitioner and the fifth respondent and other interested persons shall be heard and appropriate order shall be passed within a period of six weeks from the date of receipt of copy of this order. The official respondents shall ensure that the order does not translate into any law and order situation between the devotees.

11. With the above direction, this Writ Petition is disposed of. No costs.

15.07.2025

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

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- To**
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 2. The Joint Commissioner,
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C.SARAVANAN, J.

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