

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

Tuesday, the Seventeenth day of August Two Thousand Twenty One

PRESENT

THE HON`BLE DR JUSTICE ANITA SUMANTH

WP.No.17189 of 2021

AND WMP.NO.18211 of 2021

1 T.ANANDARAMAN [PETITIONER IN BOTH THE PETITIONS]
PRESIDENT, VILLAGE COMMITTEE,
SRI ADHINAYAGA PERUMAL TEMPLE, GOUPURAPATTI,
ALAGIYAMANAVAN-PO, MANACHANALLUR
THIRUCHIRAPPALLI-DISTRICT

Vs

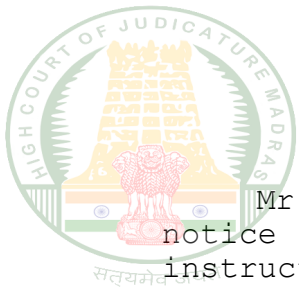
1 THE COMMISSIONER [RESPONDENTS IN BOTH THE PETITIONS]
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS,
NUNGAMPAKKAM, CHENNAI

2 THE ASSISTANT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS,
THIRUCHIRAPPALLI DISTRICT

Writ Petition under article 226 of the Constitution of India praying that in these circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Certiorarified Mandamus or any other Writ, Direction or Oder in the nature of Writ call for the records and quash the proceedings Ni.Mu.No.55604/ 2021 E5 dt.19.7.2021 of the 1st Respondent and in Proc R.C.No.2664/2018/A5 dated 5.8.2021 of the 2nd Respondent and further direct the respondent not to interfere with Sri Adhinayaga Perumal Temple as it is a denomination temple (Thenkalai Sri Vaishanava Sampradaya and Vaikanasa Temple) (in WP.NO.17189/2021)

(ii) to stay the proceedings Ni.Mu.No.55604/2021 E5 dt.19.7.2021 of the 1st Respondent and in Proc.R.C.No.2664/2018/A5 dated 5.8.2021 of the 2nd Respondent (in WMP.NO.18211/2021) pending disposal of the main WP.NO.17189/2021

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.ELEPHANT G.RAJENDRAN, Advocate for the petitioner in both the petitions and of MR.N.R.R.ARUN NATARAJAN, GOVERNMENT ADVOCATE on behalf of the Respondents the court made the following order:-



Mr.N.R.R.Arun Natarajan, learned Government Advocate accepts notice for the respondents and seeks sometime to obtain instructions and file a counter.

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2. The president of the Village Committee of Sri Adhinayaga Perumal Temple, Gopurapatti, Manachanallur, Thiruchirappalli District (temple/temple in question) is the petitioner herein and challenges proceedings of the Additional Commissioner as well as Assistant Commissioner dated 19.07.2021 and 05.08.2021 respectively appointing an Executive Officer to manage the temple.

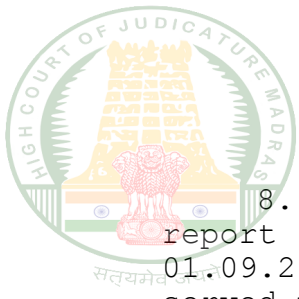
3. The temple is stated to be more than 800 years old, having been constructed in the year 1367. It does not appear to have been maintained by either private parties or the Hindu Religious and Charitable Endowments Department (HR & CE) till 2008 when the villagers of the Gopurapatti Village are stated to have formed a 10 member Committee for its management. Deploying private contributions, the temple is stated to have been renovated and Kumbabhishekam performed in 2009. The President would thus aver that it is the Committee, with the assistance of the local devotees that is managing the temple and conducting nithya poojas as per the Vaikanasa Agama. The petitioner is put to strict proof of all these averments.

4. On written instructions received from the Assistant Commissioner, learned Government Advocate would state that an Executive Officer was appointed for the management of the temple in 2021, since the temple was not being maintained in a proper manner.

5. The respondents will produce the material on the basis of which the impugned proceedings have been passed to justify their intervention in the matter.

6. Pursuant to passing of order dated 05.08.2021, I am informed that the temple is kept locked. Mr.Arun would state that there is an Archarkar who has been appointed for the maintenance of the temple. This appointment is admittedly only at the instance of the petitioner, since the HR & CE Department has had no role to play in the administration of the temple till date.

7. Thus, prima facie there appears to be merit in the contention of the petitioner that some efforts have been taken by the Committee/ local devotees for the maintenance of the temple. In such circumstances, there shall be an order of interim stay of the appointment of the Executive Officer. The Oorar Grama Sabha, which is stated to be the Committee in management of the temple shall continue to manage the temple till the next of hearing.



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8. The respondents are directed to file an up-to-date status report in regard to the condition of the temple. List on 01.09.2021. Counter/status report by then with advance copies served upon the petitioner.

-sd/-
17/08/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS,
NUNGAMPAKKAM, CHENNAI

2 THE ASSISTANT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS,
THIRUCHIRAPPALLI DISTRICT

C.C. to MR.ELEPHANT G.RAJENDRAN, Advocate SR.NO.4677/2021

Order

in
WP.No.17189 of 2021

AND WMP.NO.18211 of 2021

Date :17/08/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
DV (23/08/2021)