

WP(MD) No.11389 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Monday, the Sixteenth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P(MD)No.11389 of 2024
and
W.M.P(MD)No.10119 of 2024

M.PRABHAKARAN

... PETITIONER

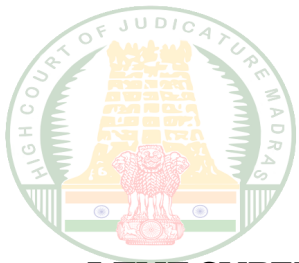
Vs

1 THE JOINT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS DEPARTMENT,
DINDIGUL.

2 THE TAHSILDAR
UTHAMAPALAYAM TALUK,
THENI DISTRICT.

3 THE EXECUTIVE OFFICER
ARULMIGU SUYAMBU SANEESWARAR THIRUKOIL,
KUCHANOOR,
THENI DISTRICT.

4 THE FIT PERSON
ARULMIGU SUYAMBU SANEESWARAR THIRUKOIL,
KUCHANOOR,
THENI DISTRICT.



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5 THE SUPERINTENDENT OF POLICE
THENI DISTRICT,
THENI.

6 THE INSPECTOR OF POLICE
CHINNAMANUR POLICE STATION,
THENI DISTRICT.

... RESPONDENTS

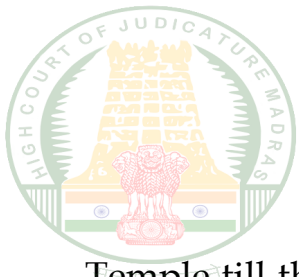
Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing respondents 3 and 4 from carrying out any activities such as construction, demolition and conducting tenders and any appointment etc. at Sri Suyambu Saneeswarar Bahavan Temple, Kuchanoor and its activities, detrimental to the interest of the temple till the order of this Honble Court dated 02.11.2023 made in WP (MD) No.20349 of 2023 is implemented and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WMP(MD). 10119/ 2024 :

To grant an order of Interim Injunction, restraining the respondents 3 and 4 from acting as Executive Officer and Fit Person of Sri Suyambu Saneeswarar Bahavan Temple, Kuchanoor pending disposal of writ petition and thus render justice.

ORDER : This Writ Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.J.ANANDKUMAR, Advocate for the petitioner and MR.P.SUBBARAJ, Special Government Pleader on behalf of the Respondent Nos.1 & 2 and MR.V.CHANDRASEKAR, Advocate on behalf of the 3rd Respondent and MR.M.KANNAN, Advocate on behalf of the 4th Respondent and M/S.M.AASHA, Government Advocate (Crl.Side) on behalf of the Respondent Nos.5 & 6, the court made the following order:-

This Writ Petition had been filed seeking for a Mandamus forbearing the respondents 3 & 4 from carrying out any activities such as construction, demolition and conducting tenders and any appointment etc., at Sri Suyambu Saneeswarar Bahawan Temple, Kuchanoor and its activities, detrimental to the interest of the



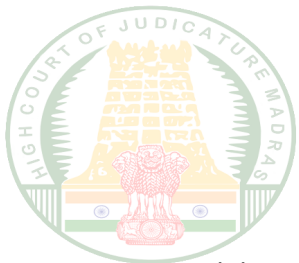
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Temple till the order of this Court dated 02.11.2023 made in W.P.(MD) No.20349 of 2023 is implemented.

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2.This Court in W.P.(MD) No.20349 of 2023 had held that the Executive Officer and a fit person of the Temple cannot continue beyond the period of five (5) years and hence, this Court had issued a direction for handing over of charges to the Board of Trustees within a period of four(4) weeks from the date of receipt of a copy of the order. A Writ Appeal as against the said order had been preferred in W.A(MD). No.2161 of 2023.

3. It is to be noted that the hereditary Trustees appointed to the Temple by order dated 25.01.1988 made in O.A.No.1 of 1986, were all placed under suspension on 27.03.2011 and the charges were framed against them. After an enquiry into the charges, the Commissioner H.R.& C.E by his proceedings dated 02.12.2014, holding that the charges had been proved, had imposed a punishment by holding that the period of suspension could be treated as an adequate punishment and ordered withdrawal of the order of suspension. Against which, a Writ Petition had been filed by an individual before this Court in W.P.No.33237 of 2014 and an order of interim stay was granted by this Court in its order dated 16.12.2014, if the charges were not handed over to the Trustees. A vacate stay petition was filed in the Writ Petition and after hearing the parties have made the said stay absolute and dismissed the vacate



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stay petition.

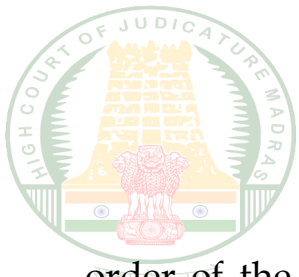
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4. However, inter alia considering the fact that one of the Trustees had also moved the Government under Section 114 of The Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, this Court had directed the Government to dispose of the said application within a period of two weeks. Such an order was made by this Court in its order dated 15.07.2015 in M.P.Nos.2 of 2014 & 1 of 2015 in W.P.No.33237 of 2014.

5. Pursuant to the direction issued by this Court, the Government in G.O.Ms.No.75. Tourism, Cultural and Endowment Department, dated 11.06.2019 had set aside the order passed by the Commissioner dated 02.12.2014 and had issued directions for conducting a special audit and thereafter proceed with the charges framed against the hereditary trustees. The Government inter alia had held that till such time the fit person shall continue to manage the affairs of the temple.

6. It is also brought to the notice that challenging the aforesaid Government order, a Writ Petition in W.P.(MD)No.17729 of 2019 had been filed and the same is pending before this Court which had been tagged along with W.A.(MD).No.2161 of 2023 and W.A.(MD).No.1509 of 2023 by order of the learned Single Judge dated 28.02.2024.

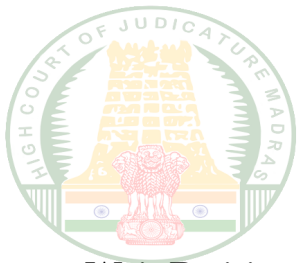
7. The Writ Appeal in W.A.(MD).No.2161 of 2023 as stated supra is against the



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order of the learned Single Judge, wherein the appointment of fit persons was set aside with a direction to hand over the charges to the Board of Trustees. The W.A. (MD) No.1509 of 2023 is against the order passed by an another learned Single Judge, wherein, the learned Single Judge had directed the appointment of hereditary Trustees who was in line of succession.

8. It is to be noted that the fit person appointed to the temple was pursuant to the order of suspension made in the year 2011 and his appointment had been set aside by the learned Single Judge in W.P.(MD).No.20349 of 2023 which is the subject matter of the appeal in W.A.(MD).No.2161 of 2023. It is to be noted that even though the Rules for appointment of Executive Officer provides that the appointment shall not continue beyond the period of 5 years, the said Rules cannot be made applicable to the facts of the present case, as the fit person has been appointed in lieu of the order of suspension which continued by the interim order of this Court in W.P.No.33237 of 2014, till 2019 when the Government orders in G.O.Ms.No.75, stated supra were made. Even under the Government orders, when the matter was remitted to the Commissioner for re-examination, the Temple was to be administered by the fit person. These aspects have been over-looked by the learned Single Judge who had quashed the order of appointment of fit person to the Temple. Hence, I am in disagreement with the orders passed by the learned Single Judge to entertain this



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Writ Petition in W.P.(MD).No.11389 of 2024.

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9. An order of status quo had been made subject to any interim order to be made in W.A.(MD).No.2161 of 2023 and the same had been continued even till date. The learned counsel for the petitioner would submit that since the works had been initiated pursuant to the sanction of the order in the year 2019 and that the palayalam of the Temple had also been conducted in the year 2023, such work sanctioned and permitted can be continued. However, any new works that is sanctioned subsequent to the filing of the Writ Petition shall not be carried out by the respondents. Recording, the said submission made by the learned counsel for the petitioner, the interim order of status quo granted by this Court on 13.08.2024 shall stand modified to the following extent:-

“The respondents are permitted to carry out all the works sanctioned prior to the grant of status quo order dated 13.08.2024. However, they shall not proceed with any work that had been sanctioned subsequent to the order dated 13.08.2024.”

10. Since, I have already expressed my disagreement from the order passed by the learned Single Judge, which is the subject matter of the Writ Appeal in W.A.(MD). No.2161 of 2023, it would be necessary to tag this Writ Petition along with W.A.(MD). No.2161 of 2023, W.A.(MD).No.1509 of 2019 and W.P.(MD).No.17729 of 2016.



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11. The Registry shall place the matters before the Hon'ble Administrative Judge for tagging this Writ Petition along with the Writ Appeals stated supra. The Registry shall also expedite the said process.

sd/-
16/12/2024

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/12/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gba

TO

1 THE JOINT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS DEPARTMENT,
DINDIGUL.

2 THE TAHSILDAR
UTHAMAPALAYAM TALUK,
THENI DISTRICT.

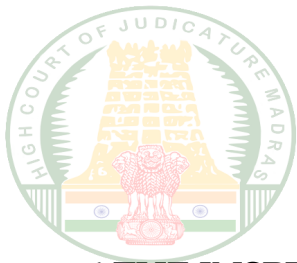
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THENI

<https://www.mhc.tn.gov.in/judis>



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6 THE INSPECTOR OF POLICE
CHINNAMANUR POLICE STATION,
THENI DISTRICT.

7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

1 THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE SECTION OFFICER, WRIT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

3 THE SECTION OFFICER, JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO MR.M.KANNAN, ADVOCATE, SR-15537[I] DATED 17/12/2024

ORDER IN
W.P(MD)No.11389 of 2024
and
W.M.P(MD)No.10119 of 2024
Date :16/12/2024

RS/IT/SAR-(17.12.2024) 8P 12C
Madurai Bench of Madras High Court is issuing
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