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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.(MD) No.4725 of 2021

and

W.M.P(MD)No.3833 of 2021

A.Radhakrishnan

... Petitioner

-vs-

- 1.The Secretary to Government,
Personnel and Administrative (Inspections)
Reforms Department,
Secretariat,
Chennai - 600 009.
- 2.The Secretary to Government,
Tourism Culture and Endowments Department,
Secretariat,
Chennai - 600 009.
- 3.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Nungambakkam High Road,
Chennai - 600 034.
- 4.The Chief Auditing Officer,
Hindu Religious and Charitable Endowments Department,
119, Nungambakkam High Road,
Chennai - 600 034.

5.The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai - 600 004.

6.The Director of Vigilance and Anti-Corruption,
Alandur,
Chennai - 600 016.

7.The District Collector,
Thoothukudi.

8.The Inspection Cell Officer,
Office of the District Collectorate,
Tirunelveli.

9.The Executive Officer,
Arulmigu Subramaniaswamy Thirukoil,
Tiruchendur,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 3 to constitute Committees to inspect the records maintained by the third respondent Department Officials all over the State as well as the records maintained by the ninth respondent temple and other temples all over the State and thereby, secure and safeguard the interest of the temples all over the State and consequently, direct the third respondent to initiate appropriate departmental action as against the erring officials who are held responsible for the missing of the temple records and its properties and thereby, recover the loss of

temples from the monetary benefits of the erring officials by considering the petitioner's representations, dated 26.07.2020 and 08.01.2021.

For Petitioner : Mr.A.Radhakrishnan
Party-in-Person

For Respondents : Mr.K.P.Narayanakumar
Special Government Pleader for R.2 & R.3
Mr.M.Muthuhgeethaiyan
Special Government Pleader for R.9

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The matter pertains to temples all over the State and the maintenance thereof by the Hindu Religious and Charitable Endowments Department of the State.

2. Though the ninth respondent temple has been made the focus in the present case, the matter covers temples all over the State.

3. While it is appropriate to institute public interest litigations pertaining to the districts covered by the Madurai Bench of the High Court of

Madras, when pan-State matters are the subject-matter of any litigation, including the public interest litigation, they should be carried to the principal seat of the Court.

4. Some of the respondent authorities are represented and it is submitted that following the petitioner's representation, the Principal Secretary in the department has issued substantive directions. It appears that certain remedial measures have been taken, but the petitioner may not be satisfied with it.

5. For the moment, no immediate action is called for, if only to allow the steps suggested by the Principal Secretary to be implemented. It must be emphasized, however, that every effort should be made by the relevant department to protect temple properties all over the State, to mobilise the funds for the purpose of the maintenance, upkeep and even restoration of temples. Temple lands often fall into disuse and are encroached upon and waterbodies within temple lands become virtual public properties without any protection. It is imperative that appropriate measures are taken in such regard all over the State.

6. In view of the Principal Secretary's directions and suggestions, no immediate action is called for, but liberty is given to the petitioner to approach the Court after passage of reasonable time, if the measures have not resulted in any improvement at the ground level. In the event the petitioner seeks a general direction pertaining to the temples all over the State, the matter should be moved before the principal seat.

7. W.P.(MD)No.4725 of 2021 is disposed of. There will be no order as to costs. Consequently, W.M.P.(MD)No.3833 of 2021 is closed.

[S.B., C.J.]

[R.H.,J.]

04.03.2021

Index : Yes / No
Internet : Yes / No
SSL/DSK

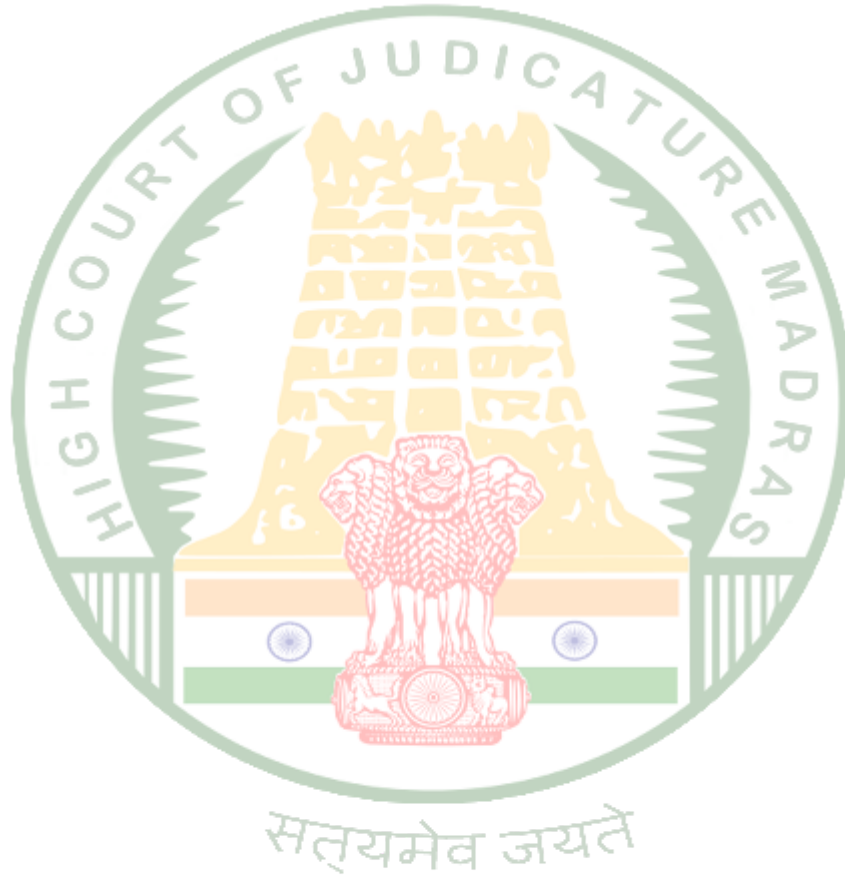
Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

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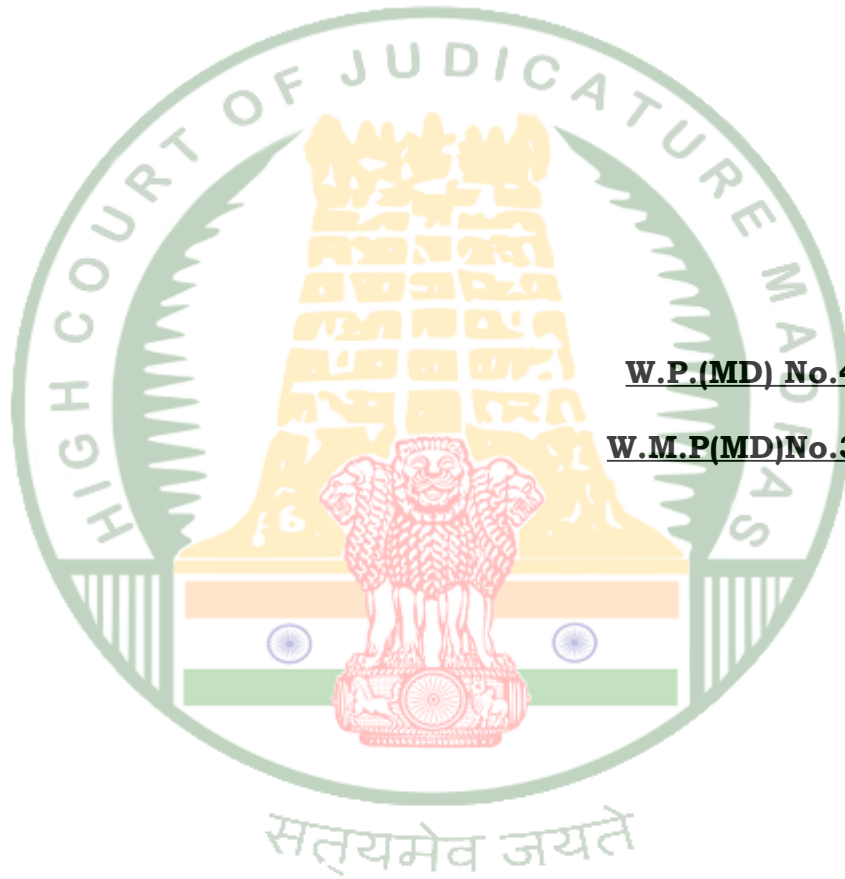
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THE HON'BLE THE CHIEF JUSTICE

and

R.HEMALATHA, J.

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