

M. Aundivel and Others Vs. The Joint Commissioner, Hindu Religious Charitable and Endowment Department and Others

M. Aundivel and Others Vs. The Joint Commissioner, Hindu Religious Charitable and Endowment Department and Others

SooperKanoon Citation : sooperkanoon.com/1191907

Court : Chennai Madurai

Decided On : Mar-22-2016

Judge : B. Rajendran

Appeal No. : W.P(MD)No. 17843 of 2014 & M.P(MD)No. 3 of 2014

Appellant : M. Aundivel and Others

Respondent : The Joint Commissioner, Hindu Religious Charitable and Endowment Department and Others

Judgement :

(Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned proceedings of the respondents Nos.2 and 3 by their resolution No.1 dated 07.07.2011 and quash the same and pass further orders as this Court may deem fit and proper.)

1. The petitioner has filed this Writ Petition for a Writ of Certiorari to call for the records relating to the impugned proceedings of the respondents Nos.2 and 3 by their resolution No.1 dated 07.07.2011 and quash the same.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents 1,2, 4 to 9 and the

learned Counsel appearing for the third respondent.

3. After some elaborate arguments, a consensus is arrived at by all the parties to the effect that both the petitioners as well as the 10th respondent who claims to represent another community, also concede that the land belongs to the temple. Earlier, the building was constructed in the year 1931 by the Community people. The building is now totally in a dilapidated condition. Hence, both are willing to contribute to put up a pucca building. Whether they want to modify or renovate the dilapidated building, they would state it will be kept in the old tradition and style. The entire costs of the construction, modification or renovation will be totally borne by the petitioners and the tenth respondent. The tenth respondent has also agreed to do so. The petitioner will construct the building from the funds that have been raised jointly among them and the entire control and management of the same will be only by the Executive Officer of the HR and CE Department. The entire accounts will be submitted to the Executive Officer, who will supervise the construction and also collect all the bills for construction. The collection amount has to be verified and deposited in the bank only. After the construction is over, the petitioners or the 10th respondent will not claim any individual right over the building. The building will also belong to the temple managed by the HR and CE Department. The petitioners and the 10th respondent have got only one right, namely, they can conduct "Mandagapadi" for seven days in the Tamil month of "Chithirai". In the rest of days, the building will be totally controlled by the HR and CE Department. Even for seven days, they will pay the licence fee or fixed amount fixed by the Department for conducting "Mandagapadi".

4. Because of rivalry between the petitioners and the 10th respondent, they will share among themselves the seven days for conducting "Mandagapadi. Originally, according to them, the land belongs to the temple. As patta stands in the name of the temple, it is the owner of the land. Everybody agreed that the proposed construction has to be made and it should be under the control of the Department. It is made clear that the petitioners and the 10th respondent shall jointly raise the funds within a period of one month and complete the renovation or construction under the supervision and control of the Executive Officer and hand over the building to the HR and CE Department within a period of three months thereafter.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous petition is closed.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com