



W.P.(MD)No.3091 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.3091 of 2023

Ammaipathevar Hereditary Thiruppani Committee,
Sri Anna Vinayagar Temple,
Arasakulam,
Represented by its President / Priest,
C.Namasivayam,
S/o.Chinnaiyathevar,
Thiruvirundhalpuram,
Araskulam, Kurandi Post,
Kariapatti Taluk, Virudhunagar District.

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar - 626 001.
2. The Revenue Divisional Officer,
Aruppukkottai Division,
Aruppukkottai - 626 101,
Virudhunagar District.
3. The Tahsildar,
Kariapatti Taluk,
Kariapatti - 626 106,
Virudhunagar District.



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4. The Village Administrative Officer,
Arasakulam Village,
Kariapatti Taluk,
Virudhunagar District.

5. S.Veluchamy

6. K.Rajamani

7. V.Murugan

8. M.Periakaruppan

9. K.Chandran

10. K.Kandipandi

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to permit the petitioner to perform daily Poojas in Sri Anna Vinayagar Temple, situated in Survey No.59/14, Arasakulam Village, Kariapatti Taluk, Virudhunagar District and for that limited purpose open the Temple based on the petitioner's representations dated 16.11.2022 and 01.02.2023.

For Petitioner : Mr.F.X.Eugene

For Respondents : Mr.N.Muthu Vijayan
Spl. Govt. Pleader for R1 to R4
Mr.C.Godwin for R5 and R6
Mr.V.Thirumal for R7 to R10



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ORDER

There is a Temple called 'Sri Anna Vinayagar Temple', at Arasakulam, in Thiruvirundhalpuram, Arasakulam, Kurandi Post, Kariapatti Taluk, Virudhunagar District.

2. The petitioner claims to be its President / Priest of Ammaipathevar Hereditary Thiruppani Committee.

3. It is the claim of the petitioner that the Vinayagar Temple had been established in the year 1928 by the forefathers of the petitioner and it had always been under the control of the family members of the petitioner herein. The petitioner also claims that he had been the Poojari.

4. Over the past few years, the respondents 5 to 10 have objected to this status which has been enjoyed by the petitioner consecutively for a number of years to act as a Poojari. They do not want the petitioner to act as a Poojari. According to them, from a neighbouring village, Nalloor, a



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Poojari performs the pooja on three occasions, namely, பங்குனி உத்திரம்,

ஆடி முளைப்பாரி, விநாயக சதுர்த்தி.

5. They claim that the petitioner had never done the pooja and they further claim that the intention of the petitioner is to grab the lands of the Temple.

6. A peace committee meeting had been called for by the third respondent / Tahsildar and a report had been forwarded to the Court that all the parties have agreed to go over to the Civil Court to get their status declared in the manner known to law.

7. It is only appropriate that somebody takes that particular decision to move the Civil Court for appropriate reliefs. But till that time, the Temple cannot be kept closed. If it is kept closed, it will only affect the morale of the village people in that particular area. Following directions are, therefore, issued:



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(i) The Tahsildar, Kariappatti Taluk in Virudhunagar District is directed to take charge of the Temple and take control of the keys of the Temple;

(ii) The Tahsildar may appoint any third person as a Poojari of the Temple. Let him not appoint the Poojari of the nearby Ayyanar Temple nor shall he appoint anybody from Nalloor Village, but find out a neutral person from elsewhere and appoint him as a Poojari of the Temple;

(iii) The petitioner and other villagers, if they want to take part in the expenditure incurred in the running of the Temple, may forward that amount to the Tahsildar who may have a separate account and direct the Poojari to bear the expenses from that particular account and maintain accounts for the same;

(iv) The Tahsildar may ensure that the neutral Poojari who was appointed, performs பங்குனி உத்திரம், ஆடி முளைப்பாரி, விநாயக சதுர்த்தி and also lights a lamp every day and keeps the Temple open; and



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(v) The salary for the neutral Poojari may be determined by the Tahsildar and he may call upon all the parties to donate money for the salary and other expenses of the Temple.

8. Both the groups are specifically directed to support the performance of the Poojari of the festivals and the poojas everyday by the said Poojari and they must not raise objections unnecessarily. Their focus must only be to worship the Deity and not question those who conduct the worship.

9. A direction is issued that both the petitioner and the respondents 5 and 6 must act in accordance with their dignity and their age and be an example for others and must not enter into disputes among themselves.

10. Let the aforesaid direction be put in place by the Tahsildar and if required, he may take assistance of the jurisdictional Inspector of Police for this particular purpose.



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11. If both the parties continue with the disputes, the Tahsildar may even take a decision to close the Temple. Let the dispute be resolved in the Civil Court.

12. The aforesaid direction is to continue till, other directions are issued by the Civil Court which is the competent Court to issue such directions.

13. This Writ Petition stands disposed of. There shall be no order as to costs.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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