



Cont. P.(MD) No.1393 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**Cont. P.(MD) No.1393 of 2023
in
W.P.(MD) No.15035 of 2022**

M.V.S.Rajendranath

... Petitioner/Petitioner

-VS-

- 1.Mr.Elankumaran
(Present Executive Officer),
The Executive Officer,
A/m.Muthumalaiamman Thirukkivil,
Mukkooddal,
Ambasamuthiram Taluk,
Tirunelveli District.
- 2.MrMurugan,
(Former Executive Officer),
The Executive Officer (Thakkar),
Arulmigu Kasibanathar Swami Thirukkivil,
Ambasamuthiram,
Tirunelveli District.

... Contemnors/
Respondents 4 and 5

PRAYER : Petition filed under Section 11 of Contempt of Courts Act,
praying to punish the Contemnors / Respondents herein for their wilful
disobedience of the order passed by this Court in W.P.(MD) No.15035 of
2022 dated 04.08.2022.

For Petitioner : Mr.R.Sevugaraja



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For Respondents : Mr.H.Arumugam

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ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

The Contempt Petition is filed alleging wilful disobedience of the order of this Court dated 04.08.2022 made in W.P.(MD) No.15035 of 2022.

2. The petitioner has filed the Writ Petition in W.P.(MD) No.15035 of 2022 for issuance of a Writ of Mandamus, directing the respondents No.9 to 15 and their men and agents and any other third parties from in anyway interfering with the peaceful auction procedures for their exhibition and other stalls during the festival periods of the temple named Arulmigu Muthumalai Amman situated at Mukkudal Village.

3. Based on the undertaking of the private respondents therein to the effect that they will not claim that Arulmigu Muthmalai Amman Thiru Koil of Mukkudal Village belongs to Mukkudal Hindu Nadar Samudhyam, without prejudice and without affecting their right/claim of Management subject to the result of the pending Writ Petition in W.P.(MD) No.18991 of 2014 before this Court and pending suit in O.S.No.79 of 2017 before the Additional Sub Court, Ambasamudram, this Court disposed of the Writ Petition on the following lines:-



“7. From the averments in the counter-affidavit of the Executive Officer, we find that the temple is well under the control of the Hindu Religious and Charitable Endowments Department and of-course, the Department cannot interfere in respect of setting up of stalls, etc., if they are done in private lands during festival seasons. We make it clear that we are not deciding the civil rights of the parties. However, if the Executive Officer comes across any illegal act by the members of the Mukkoodal Hindu Nadar Community in the name of the temple, it is also always open to him to approach the Police with a complaint and on such complaint being given, the same shall be investigated and action shall be taken in accordance with law. The Superintendent of Police, Tirunelveli District is directed to afford protection to the Officials of the Hindu Religious and Charitable Endowments Department for discharging their official duties and ensure that no harm befalls them.”

4. Now, the present Contempt Petition is filed alleging that the contempt is committed as festival or poojas were conducted by the private respondents. From the affidavit filed in support of the Contempt Petition, this Court is unable to find a specific averment to attract contempt as against the respondents. After taking time, the learned counsel for the petitioner produced before this Court a few pamphlets, wherein it is seen that the festival was conducted by Mukkudal Hindu Nadar Samudhyam. Several other materials produced by the petitioner also suggest that the private respondents who are named in the Writ Petition have conducted the



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festival and the respondents have not prevented them from doing poojas and conducting festival.

5. However, the Contempt Petition is filed as against the Executive Officer of Arulmigu Muthumalaiamman Thirukkivil, Mukkooddal on the ground that the festival was conducted in flagrant violations of the order passed by this Court. There was no specific allegation against the individuals as to how they have conducted themselves or acted contrary to the order passed by this Court. It is seen from records that the petitioner is filing series of Writ Petitions raising serious objections to each and every activity in respect of the Temple affairs. It appears that the Contempt Petition is filed with an ill-motive and intention to intimidate and harass the officials of the H.R. & C.E. Department with ill motive. The object of this Contempt is to show his might by making the officials to run by this frivolous petition.

6. Hence, this Contempt Petition is dismissed with costs of Rs.25,000/-(Rupees Twenty Five Thousand only), payable by the petitioner within a period of two weeks from the date of receipt of a copy of this order to the credit of Account No.7567821433, Indian Bank, High Court Branch, Madurai in the name of Registrar Judicial, Madurai Bench of Madras High Court, Madurai, for donating law books to a Separate Section in the name of “Madurai Bench of Madras High Court” in Kalaignar Centenary Library, Madurai.



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7. Post this Contempt Petition 'for reporting compliance' on
11.09.2023.

[S.S.S.R, J.] [D.B.C., J.]
14.08.2023

Index : Yes / No
Neutral Citation : Yes / No
sj



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and
D.BHARATHA CHAKRAVARTHY, J.

sj

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