

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2015

Coram

The Honourable Mr.Justice D.Hariparanthaman

Writ Petition No.10570 of 2015
and
M.P.No.1 of 2014

K.Samikannu

...Petitioner

Vs.

1. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Dept.
Dharmapuri.
2. The Revenue Divisional Officer,
Harur, Dharmapuri.
3. The Executive Officer and Fit Person,
Arulmighu Sakthi Vinayagar Temple,
Kaveripattinam , Krishnagiri District.
4. The Superintendent of Police,
Dharmapuri.
5. The Inspector of Police,
Harur, Dharmapuri.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to offer protection to the Temple Arulmighu Ramasamy Perumal Thirukovil, Konga Vembu Village, Harur Taluk, Dharmapuri District and its employees.

For Petitioner : Mr.V.Lakshminarayanan

For Respondents 1 and 3 : Mr.M.L.Mahendran
Government Advocate

For Respondents 2, 4 & 5 : Mr.V.Subbiah,
Special Government Pleader

O R D E R

By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. The prayer in the Writ is for issuance of Mandamus to offer protection to the Temple called, "Arulmighu Ramasamy Perumal Thirukovil" situate at Konga Vembu Village, Harur Taluk, Dharmapuri District and its employees.

3. The learned counsel appearing for the petitioner has submitted that the petitioner is a resident of Kongavenbu Village, in Dharmapuri District. His family is rendering service to the aforesaid Temple, and also recognized as one of the "Thalakkatturdars" of the said Temple. One Raghupathy, who was the Trustee of the said Temple indulged in defalcation, which is against the interest of the Temple. Regarding the said illegal acts, the Villagers of the Temple lodged complaints against the said Raghupathy to the Authorities concerned, which resulted in taking over the Institution by the first respondent/H.R.&C.E. Board and the first respondent/Board, in and by its order, dated 24.10.2014, removed the said Raghupathy from the post of Trusteeship and appointed the third respondent herein, viz., the Executive Officer, as a fit person to manage the affairs of the Temple. As the petitioner's family is recognized as one of the "Thalakkatturdars", as already noticed above, the first respondent, by order, dated 17.03.2015, authorised the petitioner to perform day-today poojas in the Temple. As an act of repugnance, the said Ragupathy along with hooligans caused problems to the smooth functioning of the Temple by way of locking the Temple premises and also by not permitting the devotees to worship the Temple. In this regard, though complaints have been lodged by the petitioner and 70 others, and also by the third respondent against the said Ragupathy with the respondent/Police, which has been assigned C.S.R.No.532 of 2014, and C.S.R.No.146 of 2015, no further action has been taken by the Police Officials, so far. Hence, the petitioner, who being an Idolater (Poojari) of the Temple, has filed this Writ Petition for the relief as stated above.

4. On the above submission, heard Mr.M.L.Mahendran, learned Government Advocate for first and third respondent/H.R.& C.E. and Mr.V.Subbiah, learned Special Government Pleader for respondents 2, 4 and 5.

5. Taking into consideration of the complaint, dated 02.12.2014, lodged by the third respondent/Executive Officer, to which, C.S.R. No.532 of 2014, has been issued and other complaint, dated 17.03.2015, given by the petitioner and 70 others, pending in C.S.R.No.146 of 2015, the fourth and fifth respondent/Police, who are Law Enforcing Agencies, are directed to pass appropriate orders on the said complaints by taking into account of the fact that the administration of the Temple was taken over by the First respondent/H.R.& C.E. Department and an order, dated 24.10.2014, was passed by the first respondent, whereby, the third respondent has been appointed to administer the Temple affairs.

6. With the above directions, the Writ Petition is disposed of.
No costs. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

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To

1. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Dept.
Dharmapuri.
2. The Revenue Divisional Officer,
Harur, Dharmapuri.
3. The Executive Officer and Fit Person,
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Kaveripattinam , Krishnagiri District.
4. The Superintendent of Police,
Dharmapuri.
5. The Inspector of Police,
Harur, Dharmapuri.

+1 CC to Mr.N.Raghavachari, Advocate SR.NO. 20236/15
+1 CC to Government Pleader, SR.NO. 20259/15

KGK(CO)
PKS : 20/05/2015

Writ Petition No.10570 of 2015

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