

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3417 of 2015

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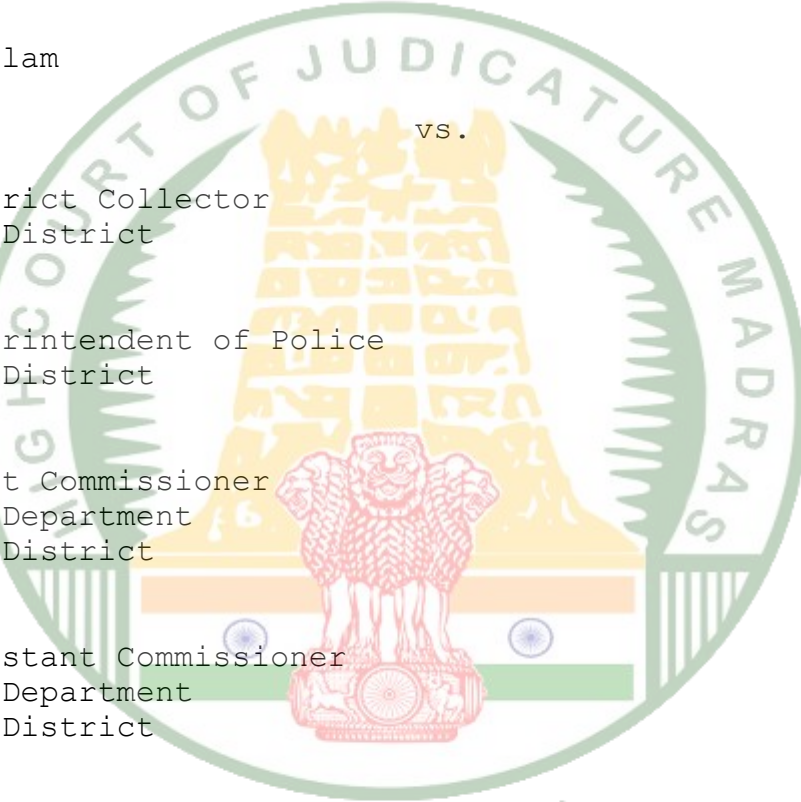
M.P.No.1 of 2015

Bakthavatchalam

...Petitioner

vs.

1. The District Collector
Vellore District
Vellore
2. The Superintendent of Police
Vellore District
Vellore
3. The Joint Commissioner
HR & CE Department
Vellore District
Vellore
4. The Assistant Commissioner
HR & CE Department
Vellore District
Vellore
5. The Inspector
HR & CE Department
Vellore
6. Parthasarathy
7. A.S.Arul
8. Kothandan
9. Harikrishnan



10.Kumar
11.Kalidasan
12.Ramesh
13.M.Ravi
14.K.Chandru
15.V.Gopi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the officials respondents 1 to 5 from granting permission to conduct temple festival by the private respondents herein of the Gengaiyamman Temple, 2) Throwpathyamman Temple, 3) Vairava Nadhar Temple, 4) Mariyamman Temple, 5) Vinayagar Temple and 6) Kanni Temple at Chenganatham Village, Rangarpuram Post, Vellore Taluk and District without conclusion of the proceedings pending before the third respondent for appointment of hereditary trustee of the above temples dated 13.12.2012.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.R.Vijayakumar
Additional Government
Pleader for R1 & R2

Mr.S.V.Duraisolai Malai
Additional Government Pleader
for RR to 5
Mr.S.Kandasamy
Special Government Pleader

ORDER

The petitioner has filed the present writ petition seeking for issuance of writ of mandamus forbearing the official respondents from granting permission to the private respondents to perform temple festival in respect of five temples mentioned in the prayer.

2. Two grounds have been raised by the petitioner. Firstly, by placing reliance on the judgment and decree in O.S.No.1917 of 2004 on the file of Principal District Munsif Court, Vellore dated 05.09.2012. The second ground raised by the petitioner is that he has filed an application before the Joint Commissioner, HR & CE Department under Section 63(b) of the Hindu Religious and Charitable

Endowments Act, 1959, wherein he has prayed for appointing him as a hereditary trustee in respect of five temples. The said application was taken on file as O.A.No.1 of 2013 and notice has been issued to the respondents for hearing on 01.03.2013 and the matter is subsequently adjourned and the same is still pending. The petitioner would allege that the private respondents have taken the law into their own hands and assaulted the petitioner resulting in filing of the criminal case.

3. In my considered opinion, at the stage, the relief sought for by the petitioner cannot be granted, more particularly, when O.A.No.1 of 2013 is pending before the HR & CE Department. However, the petitioner is not without any remedy. It is always open to the petitioner to file appropriate Interlocutory application in O.A.No.1 of 2013, which is now pending before the third respondent. In the event of filing of any such interlocutory application, the same shall be considered by the third respondent in accordance with law after notice to the parties.

4. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

gpa

To

1. The District Collector
Vellore District
Vellore
2. The Superintendent of Police
Vellore District
Vellore

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3. The Joint Commissioner
HR & CE Department
Vellore District
Vellore

4. The Assistant Commissioner
HR & CE Department
Vellore District
Vellore

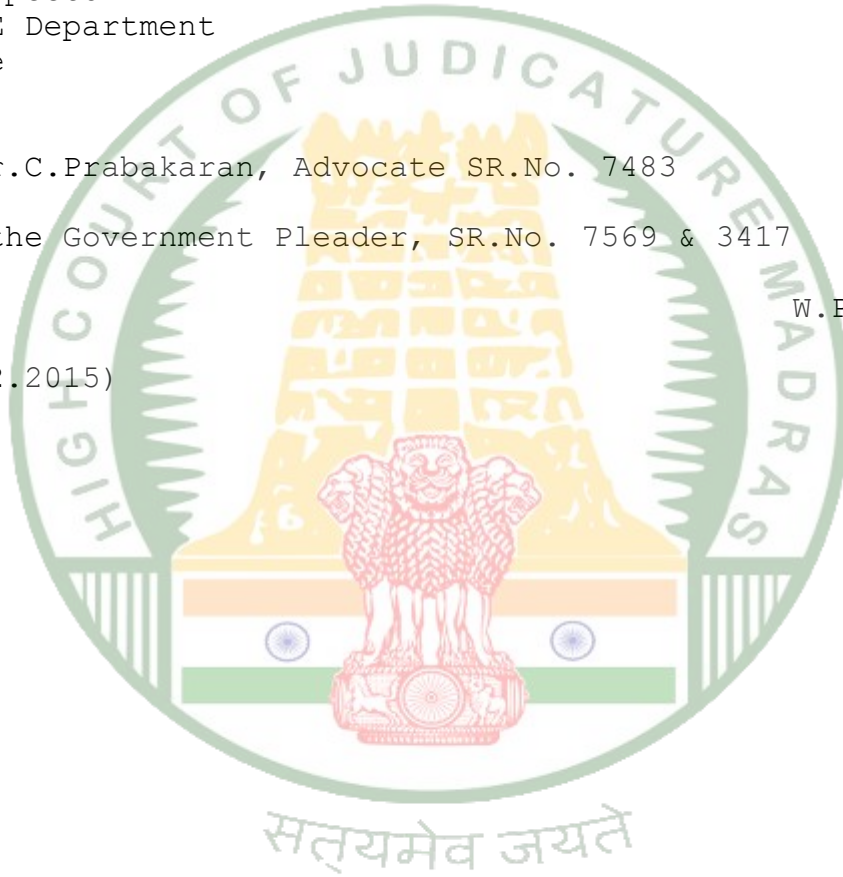
5. The Inspector
HR & CE Department
Vellore

1 CC to Mr.C.Prabakaran, Advocate SR.No. 7483

2 CCs to the Government Pleader, SR.No. 7569 & 3417

W.P.No.3417 of 2015

MG (CO)
PSI (13.02.2015)



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