

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.JAICHANDREN

W.P.No.25043 of 2012
and
M.P.Nos.1 and 2 of 2012
and
M.P.No.1 of 2014

A/m Muthumariamman Temple,
No.84,Thiruvellaivayal Village & Post,
Ponnerit Taluk, Thiruvallur District,
rep.by Founder President,
M.Velayudam .. Petitioner

vs.

- 1.The State of Tamil Nadu,
rep. by the District Collector,
Tiruvallur.
- 2.The Revenue Divisional Officer,
Ponneri.
- 3.Tahsildar & Executive Magistrate,
Ponneri.
- 4.The Deputy Commissioner,
H.R.&C.E. Department,
Tiruvallur.
- 5.The President,
Thiruvellaivoyal Panchayat,
Minjur Panchayat Union,
Ponneri Taluk,
Thiruvallur District. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records in Na.Ka.No.B1/14452/2012, dated 27.08.2012 on the file of the 3rd respondent and quash the same.

For petitioner : Mr.V.Bhiman

For respondents 1 to 3 : Mr.R.Ravichandran,
Additional Government Pleader

For 4th respondent : Mr.K.V.Dhanapalan

For 5th respondent : Mr.N.Anand Venkatesh

ORDER

Heard the learned counsels appearing on behalf of the parties concerned.

2. The main contention of the learned counsel appearing for the petitioner is that the petitioner had been performing pooja, and maintaining the Arulmighu Muthumariamman Temple, in Thiruvellaivayal Village, Ponneri Taluk, Thiruvallur District, for over 30 years. Due to some personal rivalry with the fifth respondent, the impugned order had been passed, by the Tahsildar, Ponneri, the third respondent herein, dated 27.08.2012, by directing to seal the Temple, temporarily. It has been further stated that, inspite of an order passed, by the First Bench of this Court, on 21.8.2012, in W.P.No.22586 of 2012, directing the Tahsildar, Ponneri, the third respondent herein, to consider the reply submitted by the petitioner, to the show cause notice issued to him, dated 27.07.2012, the third respondent had passed the impugned order, without following the order passed by the First Bench, dated 21.08.2012. He had further submitted that the allegations made by the fifth respondent against the petitioner are false. He had further submitted that the allegations made by the villagers of Thiruvellaivayal village that the petitioner had been practising black magic in the Temple in question, and that he had been polluting the village tank are false.

3. The learned counsel appearing for the respondents had submitted that the petitioner had no right, whatsoever, in performing the pooja in the Arulmighu Muthumariamman Temple, situated in Thiruvellaivayal Village, Ponneri Taluk, Thiruvallur District. It has been stated that, the land in which the Temple is said to be located, is a "Mandaveli Poramboke", which belongs to the State Government. While so, the claim made by the petitioner that he has certain rights to perform the daily pooja in the Temple and to maintain the same, cannot be accepted. It has also been stated that the third respondent had issued the impugned order, dated 27.10.2012, by directing to seal the temple till an order is passed by the District Collector in that regard, as there was no consensus reached among the villagers, to perform daily pooja and to maintain the Temple. After the passing of such an order, by the Tahsildar, the petitioner cannot enter the Temple and perform the pooja.

4. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned, and on perusal of the records available, it is noted that, certain disputed issues have been raised in the present Writ Petition requiring a detailed enquiry. It is also noted that the Hindu Religious

and Charitable Endowment Department had given a sum of Rs.50,000/- to the petitioner to carryout certain functions in respect of the Temple in question. However, it has been stated that the said amount has not been utilised by the petitioner. Certain allegations have also been made against the petitioner by the villagers of Thiruvellaivayal Village, Ponneri Taluk, Thiruvallur District, stating that the petitioner had been performing black magic and had been polluting the village tank. It has also been stated that the land in which the Temple in question, is located, is classified as a "Mandaveli Poramboke" belonging to the State Government.

5. In such circumstances, this Court finds it appropriate to permit the petitioner to submit a detailed representation to the District Collector, Thiruvallur District, relating to his claims, in respect of the Arulmighu Muthumariamman Temple, Thiruvellaivayal Village, Ponneri Taluk, Thiruvallur District, within a period of 15 days from the date of receipt of a copy of this Order. On receipt of such representation, the District Collector, Thiruvallur, shall conduct a detailed enquiry and pass appropriate orders thereon, after giving an opportunity of hearing to the petitioner, the fifth respondent and other persons concerned, if any, within a period of twelve weeks, thereafter. It is also directed that till final orders are passed by the District Collector, Thiruvallur, as directed by this Court, by this order, an authorised officer of the Hindu Religious and Charitable Endowments Department shall inspect the place and find out if the said Muthumariamman Temple is in existence in Thiruvellaivayal Village, Ponneri Taluk, Thiruvallur District. On such inspection, if it is found that the said Muthumariamman Temple is in existence, then the Hindu Religious and Charitable Endowment Department shall take necessary steps to maintain the same as an interim measure, till final orders are passed by by the District Collector.

6. It would be open to the Hindu Religious and Charitable Endowments Department to issue appropriate notice to the petitioner, with regard to the amount of Rs.50,000/-, said to have been paid to the petitioner, for performing certain functions, in the Temple in question.

7. The Writ Petition is disposed of, with the above directions. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

asvm

To

- 1.The District Collector,
The State of Tamil Nadu,
Tiruvallur.
- 2.The Revenue Divisional Officer,
Ponneri.
- 3.Tahsildar & Executive Magistrate,
Ponneri.
- 4.The Deputy Commissioner,
H.R.&C.E. Department,
Tiruvallur.
- 5.The President,
Thiruvellaivoyal Panchayat,
Minjur Panchayat Union,
Ponneri Taluk,
Thiruvallur District.

+1 cc to Government Pleader, sr.59223
+1 cc to Special Pleader, (HR & CE), sr.59917
+1 cc to MR.V.Bhiman, Advocate, sr.58881
+1 cc to Mr.N.Ahamed Venkatesh, Advocate, sr.59214

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kra 16/11/2015

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