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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.12644 of 2015

K.A.Suresh Kumar

... Petitioner

Vs.

1.The Joint Commissioner,
Kanyakumari District Incorporated and Unincorporated
Dewasoms, Suchindrum,
Kanyakumari District.

2.The Superintendent,
Kuzhithurai Dewasoms,
Kuzhithurai,
Kanyakumari District.

3.The Executive Officer,
309, Kamuganoor Dewasom,
Kuzhithurai, Vilavancode Taluk,
Kanyakumari District.

4.Sivadhas

5.M.Radhakrishnan

6.Chellaswamy

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents 1 to 3 herein to take appropriate legal action against the respondents 4 5 & 6 herein and their men for their illegal activity of collecting huge sum of money from general public in the name of Kodimara Pradhistai in the No. 309 incorporated Devaswom of Vilavancode Taluk namely Kamuganoor Devaswom a minor temple as scheduled under the Schedule I of the Tamil Nadu Hindu Religious and Charitable Endowments Act (22 of 1959) at Kanyakumari District and directing the respondents 4 5 & 6 herein to hand over all the money collected in the name of Kodimarapradhistai at Kamuganoor Devaswom to the Kamuganoor Devaswom fund maintained by the respondents 1 to 3.

For Petitioner : Mr.S.Seenivasan

For Respondents 1&2 : Mr.B.Pugalendhi,

Special Government Pleader.

For 3rd Respondent : Mr.D.Hari

**ORDER**

(Order of the Court was made by **R. SUDHAKAR, J.**)

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The petitioner has come forward with this writ petition seeking for a direction to the respondents 1 to 3 to take appropriate legal action against the respondents 4 to 6 and their men for their illegal activity of collecting huge sum of money from general public in the name of Kodimara Pradhistai and to direct the respondents 4 to 6 to hand over all the money collected in the name of Kodimarapradhistai at Kamuganoor Devaswom to the Kamuganoor Devaswom fund maintained by the respondents 1 to 3.

2.The petitioner who claims to be actively involved in the affairs of the temple filed this writ petition contending that the respondents 4 to 6 are collecting money from gullible public and others and they have not accounted for the same. It is further contended that they are appropriating the money collected without an authority of law and they are indulging in such criminal act of misappropriation of money collected from the public. Hence, the petitioner submitted a representation to the Superintendent, Kuzhithurai Dewasoms, Kuzhithurai, the second respondent herein. Since no final order has been passed so far, the present writ petition has been filed for the aforementioned relief.

3.Learned Special Government Pleader for the respondents 1 and 2 submitted that it is an *inter se* rivalry between the petitioner and the respondents 4 to 6. It is further submitted that no one is authorised to collect money from the public by the temple authorities.

4.In such view of the matter, it is open to the petitioner to prefer a complaint before the police authorities if there is an allegation of cheating the public.

5.The writ petition is disposed of as above. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1.The Joint Commissioner,
Kanyakumari District Incorporated and Unincorporated
Dewasoms, Suchindrum,
Kanyakumari District.

2.The Superintendent,
Kuzhithurai Dewasoms,
Kuzhithurai,
Kanyakumari District.

+1cc to Spl.GOvernment Pleader Sr.No.44274

+1cc to MR.L.VICTORIA GOWRI, Advocate Sr.No 43789

+1cc to MR. D.HARI, Advocate Sr.No.44703

SMS

AA/13.08.2015/ 3p- 6c/

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