

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33245 of 2016

&

WMP Nos. 28727 & 28729 of 2016

R.K.Moorthy

... Petitioner

Vs.

1. The Tahsildar
Avinashi Taluk
Avinashi.

2. C.Karuppusamy

3. B.Karuppusamy

4. Thangaraju

5. P.Ravi

6. Pazhanisami

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the proceedings of the first respondent dated 31.08.2016 made in Na.Ka.No.1/2016/A1, quash the same and thereby directing the first respondent to permit the petitioner to perform Poojas in Arulmighu Periya Karupparayan Thirukovil (hereinafter referred to as the Temple), Bothampalayam Village, Avinashi Taluk, Tirupur District.

For Petitioner : Mr.A.J.Mohammed Kasim

For Respondents : Mr.A.N.Thamidurai-R1
Special Government Pleader

O R D E R

Heard Mr.A.J.Mohammed Kasim, learned counsel is appearing for the petitioner and Mr.A.N.Thamidurai, learned Special Government Advocate, accepting notice for the first respondent and with the consent of the learned counsel appearing on either side, the Writ Petition itself is taken up for final disposal .

2.The petitioner claiming himself to be the person who is in the administration of the village Temple namely Arulmighu Periya Karupparayan Thirukovil, Bothampalayam Village, Avinashi Taluk, Tirupur District, claims to be performing poojas, conducting festival for several years. The petitioner's case is that one other group of villagers, some of whom have been impleaded as respondents 2 to 6, have objected to the petitioner being in the helm of affairs. This resulted in local problem, ultimately the Tahsildar had to intervene, a Peace Committee was convened. In the Peace Committee, discussions took place and the petitioner and his group of people were named as 'B' party and the respondents 2 to 6 were named as 'A' party. After several discussions, the Tahsildar could not bring about a resolution between the parties and a report was according drawn by the Tahsildar dated 31.08.2016. Now the petitioner has challenged the Minutes of the recording of the Tahsildar of the Peace Committee, which is impugned in this Writ Petition.

3.Firstly, the Writ Petition is not maintainable, as the petitioner seeks to quash the minutes of the meeting as recorded by the Tahsildar. The Tahsildar has not passed any orders, and he has only recorded that both the parties could not come to consensus among themselves. Therefore, the issue would be as to before which Forum, the petitioner can seek for establishing his rights.

4.If the petitioner and the respondents 2 to 6 claim a right of worship, then there is no necessity for any Court orders. Every person who is a devotee of a Temple is entitled to worship, however, the petitioner's case is that he should be in the administration of the Temple and conduct the festivals and perform Poojas. The Temple being a Village Temple, not under the purview of the Tamil Nadu Hindu Religious and Charitable Endowments Department, the only Forum which the petitioner can establish his rights is, before the Civil Court.

5.Therefore, the prayer to quash the proceedings of the Tahsildar, which is only the Minutes of the Meeting, cannot be granted. However, the dismissal of this Writ Petition will not prevent the petitioner from moving the Civil Court for

appropriate relief. It is submitted that already the Temple has been locked. Unless and until a consensus is arrived at and better sense prevails upon the petitioner and the private parties, the question of opening the Temple does not arise.

The Writ Petition is dismissed with the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpa

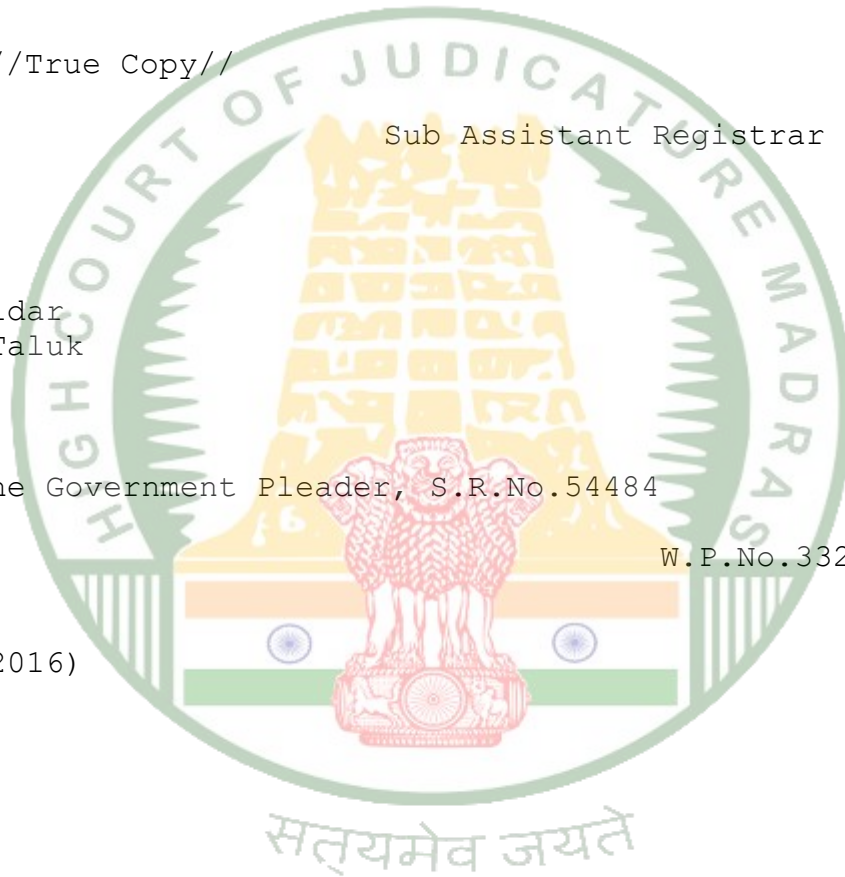
To

The Tahsildar
Avinashi Taluk
Avinashi.

+1cc to the Government Pleader, S.R.No.54484

W.P.No.33245 of 2016

KS(CO)
CA(07/10/2016)



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