



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty First day of October Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.9206 of 2016
IN
WA(MD) No.SR13319 of 2015

1 PARTHASARATHY
2 MURUGABOOPATHY
3 THIRUNAVUKKARASU

... PETITIONERS/APPELLANTS

Vs

1 V.SEVUGANPANDIAN @ VIGNESHWARA CHINNA THAMBIAR,
2 THE SUB DISTRICT COLLECTOR,
REVENUE DIVISIONAL OFFICER,
SIVAKASI REVENUE DIVISION,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
3 THE THASILDAR,
SIVAKASI TALUK,
SIVAKASI,VIRUDHUNAGAR DISTRICT.
4 THE DEPUTY COMMISSIONER,
HINDU RELIGIOUS & CHARITABLE ENDOWMENT DEPARTMENT,
VIRUDHUNAGAR DIST. VIRUDHUNAGAR.
5 MUTHIAH
6 KALAIPANDIAN
7 KALIRAJ
8 THANGAVEL

... RESPONDENTS/RESPONDENTS

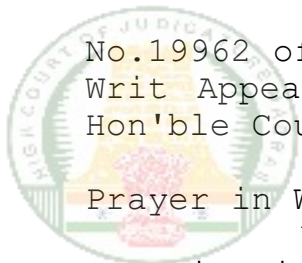
PRAYER IN CMP(MD) No.9206 of 2016 IN WA(MD) No.SR13319 of 2015:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant leave to the petitioners to prefer the above WA(MD) SR.No.13319 of 2015 as against the order dated 09.02.2015 passed in W.P.(MD)No.19962 of 2014 on the file of this Honourable Court and thus render justice.

<https://hcservices.ecourts.gov.in/hcservices/>

PRAYER IN WA(MD) No.SR13319 of 2015:

To set aside the order dated 09.02.2015 passed in W.P(MD)



No.19962 of 2014, on the file of this Hon'ble Court by allowing this Writ Appeal, and to grant such other relief or reliefs that this Hon'ble Court.

Prayer in WP(MD). 19962/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in A1/Pa.Ve2/2014 dated 17.11.2014 passed by the 2nd respondent and quash the same as null and void and thereby, directing the respondents 1 to 3, to permit this petitioner to administer the management of Sendatti Ayyan temple in Valayapatti Village, a hamlet of Keelanmarainadu in Sivakasi Taluk in Virudhunagar District.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.SUBBIAH, Advocate for the petitioner and of AK.BASKARAN, Special Government Pleader on behalf of the Respondents 2,3 and 4, the Court made the following order:-

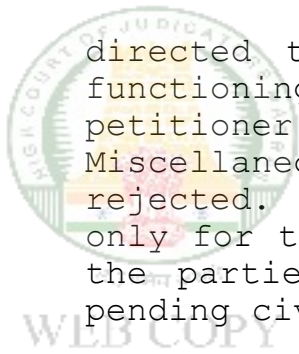
[Order of the Court was made by M.SATHYANARAYANAN, J.]

One Sevugapandian @ Vigneshwara Chinna Thambiar, made a challenge to the Peace Committee decision, dated 17.11.2014 on the file of the Tahsildar, Sivakasi Taluk and yet another writ petition was filed by one R.Muthaiah in W.P(MD)No.19724 of 2014 challenging the very same proceedings, in which, the present petitioner is arrayed as sixth respondent. Both the Writ Petitions were taken up for disposal. The learned Judge while disposing of the Writ Petitions vide common order, dated 09.02.2015, found that there are civil litigations are pending and directed the concerned Authorities to open the temple and directed to conduct poojas and festival of the temple, which should be regularly conducted and also indicated that the petitioner in W.P(MD)No.19724 of 2014 shall abide by the orders of the HR & CE Department and co-operate with the smooth functioning of the festival.

2. Now the petitioner has filed this petition seeking leave of this Court to challenge the order, dated 09.02.2015 made in W.P(MD) No.19962 of 2014.

3. The learned counsel appearing on behalf of the petitioner would contend that the petitioner has not been arrayed as party in the Writ Petition and aggrieved by the directions contained in the order, he seeks leave of this Court to file this Writ Appeal.

4. This Court considered the rival submissions and perused the impugned proceedings of the Tahsildar, Sivakasi Taluk, dated 17.11.2014 and it would disclose that the petitioner belongs to Sevugapandian group and admittedly the Writ Petition was filed by Sevugapandian only and also it is not the case of the petitioner that the Sevugapandian acted against the group, in which he belongs. The learned Judge has also while disposing of the Writ Petition,



directed the HR& CE Department to ensure the proper and smooth functioning of the temple and as such, it cannot be said that the petitioner is aggrieved by the said order. Therefore, this Miscellaneous Petition is dismissed and WA(MD)No.SR13319 of 2015 is rejected. However, it is made clear that the observations are made only for the purpose of disposal of this Miscellaneous petition and the parties are at liberty to canvass the merits of the case in pending civil litigation.

sd/-
21/10/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SUB DISTRICT COLLECTOR,
REVENUE DIVISIONAL OFFICER,
SIVAKASI REVENUE DIVISION,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
- 2 THE THASILDAR,
SIVAKASI TALUK,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
- 3 THE DEPUTY COMMISSIONER,
HINDU RELIGIOUS & CHARITABLE ENDOWMENT DEPARTMENT,
VIRUDHUNAGAR DIST. VIRUDHUNAGAR.

ORDER
IN
CMP (MD) No.9206 of 2016
IN
WA(MD) No.SR13319 of 2015
Date :21/10/2016

PM
TE/SS-3/SAR-I : 02/11/2016 : 3P/4C