



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. (MD) No.8340 of 2016

C.Nagappa Pillai

.. Petitioner

Vs.

1.The District Collector,
Collectorate, Sivagangai District,
Sivagangai.

2.The Superintendent of Police,
District Police Office, Sivagangai.

3.The Tahsildar,
Taluk Office, Tiruppattur,
Sivagangai District.

4.The Joint Commissioner,
Joint Commissioner Office,
Hindu Religious and Charitable Endowment,
Sivagangai.

5.The Assistant Commissioner,
Assistant Commissioner Office,
Hindu Religious and Charitable Endowment,
Paramagudi,
Ramnad District.

.. Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the 5th respondent to permit the petitioner to conduct the POOSORITHAL function inside the temple of Sri Andhranachiamman for worshipping Goddess Sri Andharinachiamman at Tenkarai on 13.05.2016 with police protection on the petitioner petition dated 15.04.2016.

For petitioner : Mr.S.Radhakrishnan

For Respondent : Mr.VR.Shanmuganathan
Special Government Pleader

JUDGMENT

(Judgment of this Court was delivered by S.S.SUNDAR, J.)

Writ Petition has been filed by the petitioner claiming himself to be the Headman of Tenkarai and Kummangudi Villagers for the worship of Goddess Shri Andhranachiamman and Shri Akasakaruppar Temples situated at Tenkarai, for issuance of writ of Mandamus directing the 5th respondent to permit the petitioner to conduct the POOSORITHAL function inside the temple of Sri Andhranachiamman for worshipping Goddess Sri Andharinachiamman at Tenkarai on 13.05.2016 with police protection on the petitioner petition dated 15.04.2016.

2. Even in the affidavit filed in support of the writ petition, the petitioner has admitted that there is some dispute with regard to the conduct of festival and a peace committee meeting was conducted by the officials. The petitioner also admitted that the temple key is in the custody of another group. The petitioner has not impleaded the individuals of the villages, who is making a rival claim or objecting the petitioner to conduct the POOSORITHAL function inside the temple of Sri Andhranachiamman for worshipping Goddess Sri Andharinachiamman at Tenkarai. The petitioner also seeks police protection.

3. It has been brought to the notice of this Court by the learned Special Government Pleader that a representation has been submitted by the petitioner to the Superintendent of Police, Sivagangai and that a direction petition has been filed by the petitioner himself in Crl.O.P.(MD)No.7140 of 2016 seeking direction from this Court directing the first respondent for registering a complaint by the second respondent, as per the petition of the petitioner dated 17.02.2016, in CSR No.469 of 2016 and pass further orders, as he deems fit. Even in the direction petition, the petitioner has stated as follows:-

"It is submitted that the villagers are not able to worship God and Goddess and also the villagers could not conduct the functions of Sivan Rathiri and Poosorithal functions since the temples are locked and temple keys are illegally with Tamilmaran and Manimozhi. ..."

4. Hence the petitioner, who seeks direction from this Court ought to have impleaded the persons, who are having the key of the temple and who are opposing the petitioner and his group to conduct the POOSORITHAL function inside the temple of Sri Andhranachiamman for worshipping Goddess Sri Andharinachiamman at Tenkarai. The petitioner has also admitted that the temple is under the control of respondents 4 and 5.

5. Whereas a person or group of persons claim a right to conduct the Poosorithal function inside the temple, he/they can approach the concerned authorities of Hindu Religious and



Charitable Endowments Department for appropriate relief. Even with regard to any other right, which is not contemplated under Section 63 (e) of the Hindu Religious and Charitable Endowments Act, the petitioner can very well approach the Civil Court, if his right is opposed by named individuals or rival group.

6. In view of the above, this Court cannot entertain the writ petition going into the disputed questions of fact and the petitioner has to establish such right either before the authorities under Tamil Nadu Hindu Religious and Charitable Endowments Act, or before the Civil Court in the manner known to law.

7. In the result, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The District Collector, Collectorate, Sivagangai District, Sivagangai.
2. The Superintendent of Police, District Police Office, Sivagangai.
3. The Tahsildar, Taluk Office, Tiruppattur, Sivagangai District.
4. The Joint Commissioner, Joint Commissioner Office, Hindu Religious and Charitable Endowment, Sivagangai.
5. The Assistant Commissioner, Assistant Commissioner Office, Hindu Religious and Charitable Endowment, Paramagudi, Ramnad District.

+one cc to M/s.S.Radhakrishnan, Advocate in SR.No.24244

+one cc to The Special Government Pleader in SR.No.24678

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CSL/GSV-PM/19.05.2016 :3P/8C

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