

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.23657 of 2017

Arulmighu Ayyanar Subramaniya Swamy Temple
Chinnaparur Village & Post
Vridhachalam Taluk
Cuddalore District
Rep. by Trustees
N.Ayyasamy & M.Ramasamy

.... Petitioner

v.

1.The Assistant Commissioner
Hindu Religious Department (HR & CE)
Cuddalore

2.The Inspector
Hindu Religious Department (HR & CE)
Virudhachalam
Cuddalore District

.... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the the 1st respondent herein to dispose of the representation of the petitioner dated 14.08.2017 to prevent the illegal activities of the intruders of the petitioner temple and consequently stop the proposed illegal celebration of the petitioner temple.

For Petitioner : Mr.A.Swaminathan

For Respondents: Mr.M.Maharaja
Special Government Pleader

O R D E R

Mr.M.Maharaja, learned Special Government Pleader, takes notice for the respondents. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioners have filed the above Writ Petition to issue a writ of mandamus directing the 1st respondent to dispose of their representation dated 14.08.2017 to prevent illegal activities of the intruders of the petitioners' temple and consequently stop the proposed illegal celebration of the petitioners' temple.

3. It is the case of the petitioners that on 09.08.2001, the Principal District Munsif, Vridhachalam has passed a decree in O.S.No.1022 of 1990 in favour of the petitioners to administer the temple property and also granted an order of interim injunction that the defendants therein should not interfere with the possession and enjoyment of the suit properties. By order dated 03.12.2001, the Joint Commissioner of HR & CE Department, Mayiladuthurai appointed the petitioners, viz, N.Ayyasamy & M.Ramasamy as Trustees. The petitioners have been managing the affairs of the temple so far. While so, few persons, without any right trying to conduct Kumbabishegam on 10.09.2017 by collecting money from the public. In these circumstances, the petitioner has given a representation to the respondents on 14.08.2017.

4. On a perusal of the representation, it could be seen that the petitioners have averred that one Muthusamy, Selladurai, Duraimurugan, Ganesan and Paramasivam are trying to conduct Kumbabishegam without any right whatsoever and also threatening the petitioners.

5. Mr.A.Swaminathan, learned counsel appearing for the petitioners submitted that the respondents may be directed to consider the representation, so far as the conduct of the Kumbabishegam on 10.09.2017 by the said persons, who have no authority or right, within a time frame.

6. Mr.M.Maharaja, learned Special Government Pleader, appearing for the respondents submitted that the respondents may be directed to consider the petitioners' representation dated 14.08.2017 only in so far as the Kumbabishegam is concerned and with regard to the other allegations made against the private parties, the petitioners may be directed to approach the Police for taking suitable action.

7. In view of the submissions made by the learned counsel on either side, I direct the respondents to consider the petitioners' representation dated 14.08.2017 only with regard to the conduct of the Kumbabishegam on 10.09.2017 on or before 07.09.2017. With regard to other allegations made against the private parties, liberty is given to the petitioners to approach the concerned Police for taking appropriate action.

With these observations, the writ petition is disposed of.
No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

Rj

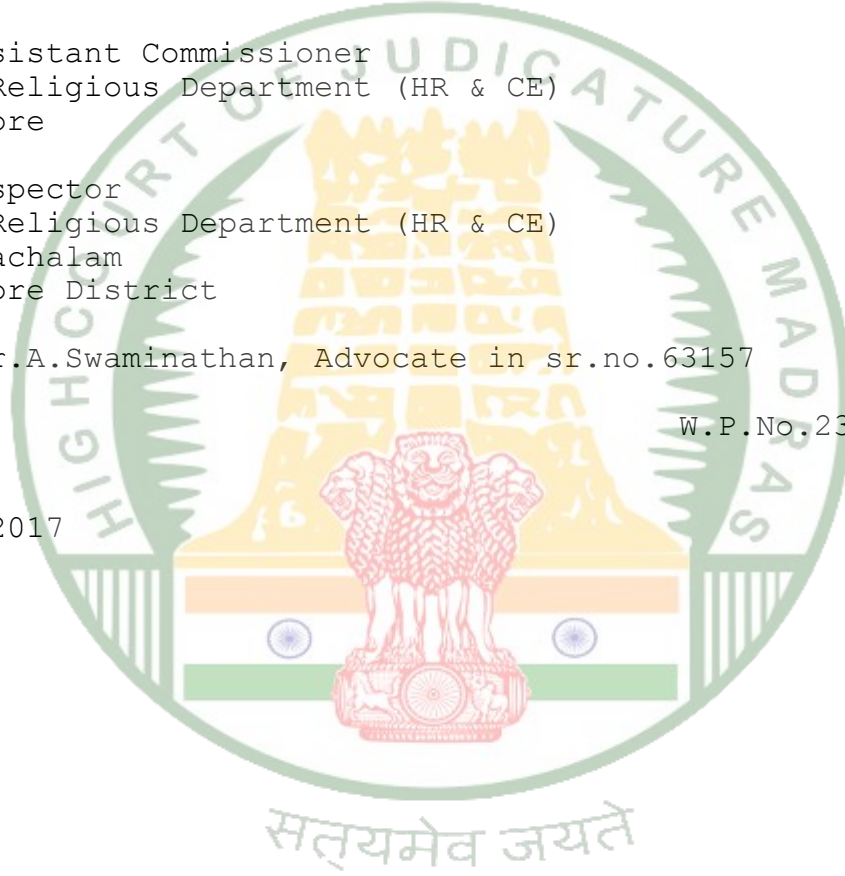
To

1. The Assistant Commissioner
Hindu Religious Department (HR & CE)
Cuddalore
2. The Inspector
Hindu Religious Department (HR & CE)
Virudhachalam
Cuddalore District

+1cc to Mr.A.Swaminathan, Advocate in sr.no.63157

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SCD(CO)
NR 01/09/2017



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