

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.09.2017

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.23970 of 2017
and W.M.P.No.25281 of 2017

Sri Shakthi kailamman Temple
Admin. Trust (Regn No.674/2012)
Malaiadivaram Kalampattu Village
Latheri (Via) Katpadi Tk
Velur Dist. Rep by its Trustee & Pret.
S. Devarajulu

[Petitioner]

Vs

- 1 The Collector
Vellore District.
Sathuvachari Vellore 632 009
- 2 The Commissioner
Hindu Religious & Charitable Endowment
Nungambakkam Chennai
- 3 The Joint Commissioner
Hindu Religious & Charitable Endowment
Sathuvachari Vellore 632 009
- 4 The District Revenue Divisional officer
District collector Office
Sathuvachari Vellore 632 009
- 5 The Superintendent of Police
Sathuvachari Vellore 632 009
- 6 The Tahsildar
Katpadi Vellore 632 007
- 7 Prabavathy
- 8 Jeyachand Babu
- 9 Ramesh Babu
- 10 Jeyasree
- 11 Vanisree
- 12 Parimala
- 13 Sudhakar
- 14 Jeyaprakash
- 15 Pasupalatti J.Ravi
- 16 P. Madhana Gopal

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 to 6 herein to permit the petitioner Trust to administer the Shri Shakthi Kaliyamman Temple situated in Survey No.71/1, Kalampattu Malaiadivaram Latheri (via) Katpadi Taluk, Vellore District.

For Petitioner : Mr.N.Rajan

For Respondents : Mr.Era Premnath, GA (R1,4 to 6)
Mr.M.Maharaja, SGP (R2&3)
Mrs.Hema Sampath, Senior Counsel
for Mr.N.C.Ashok Kumar (R7-16)

O R D E R

Heard Mr.N.Rajan, learned counsel for the petitioner, Mr.Era Premnath, learned Government Advocate, appearing for respondents 1, 4 to 6, Mr.M.Maharaja, learned Special Government Pleader, appearing for the respondents 2 and 3 and Mrs.Hema Sampath, learned Senior Counsel for Mr.N.C.Ashok Kumar, learned counsel appearing for respondents 7 to 16.

2. The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents 1 to 6 to permit the petitioner Trust to administer Shri Shakthi Kaliyamman Temple situated in Survey No.71/1, Kalampattu Malaiadivaram, Latheri (via) Katpadi Taluk, Vellore District.

3. According to the petitioner, the temple is a public temple and all festivals, rituals and maintenance of the said temple are conducted relying upon the contributions of the Villagers of the seven Villages. The respondents 7 to 16 belong to a family residing in Kalampattu Village. Since there was dispute between the petitioner and the respondents 7 to 16, the temple festivals were conducted by the 4th respondent, the Revenue Divisional Officer. It is also brought to the notice of this Court that the respondents 7 to 16 filed a suit in O.S.No.55 of 2013 on the file of the Sub Court, Vellore as against S.Devarajalu and 5 others. By a Judgment and decree dated 31.07.2017, the trial Court, dismissed the suit and also given a finding that the temple is a public temple. As against the dismissal of the suit in O.S.No.55 of 2013, the plaintiffs therein filed an appeal in A.S.No.169 of 2017 on the file of the Principal District Court, Vellore. Mrs.Hema Sampath, learned Senior Counsel appearing for respondents 7 to 16 submitted that the appeal is posted for arguments on 11.10.2017.

4. When the matter is taken up for hearing, the learned counsel appearing for the petitioner and the respondents 7 to 16 submitted that since the First Appeal filed by respondents 7 to 16 is pending and the same would be disposed of in a short time, the arrangement made for the past three years for conducting the temple festival may be continued for this year. The learned counsel on either side submitted that the new arrangement may be contemplated from the next year after the disposal of the First Appeal.

5. In view of the submissions and the consent made by the learned counsel on either side, I do not wish to interfere with the conduct of the temple festival as was done in the previous three years. Therefore, I direct the 4th respondent to conduct the temple festival scheduled to be held from today i.e., 21.09.2017. However, the petitioner and the respondents 7 to 16 are at liberty to participate in the temple festival. It is needless to say that the 4th respondent, the Revenue Divisional Officer, should conduct the temple festival as he did in the last three years. So far as the procession is concerned, it is open to the 4th respondent to decide the same, taking into consideration the ground reality in the Villages.

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

Sd/-
Assistant Registrar(CO)

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Sub Assistant Registrar

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To

1 The Collector
Vellore District.
Sathuvachari Vellore 632 009

2 The Commissioner
Hindu Religious & Charitable Endowment
Nungambakkam Chennai

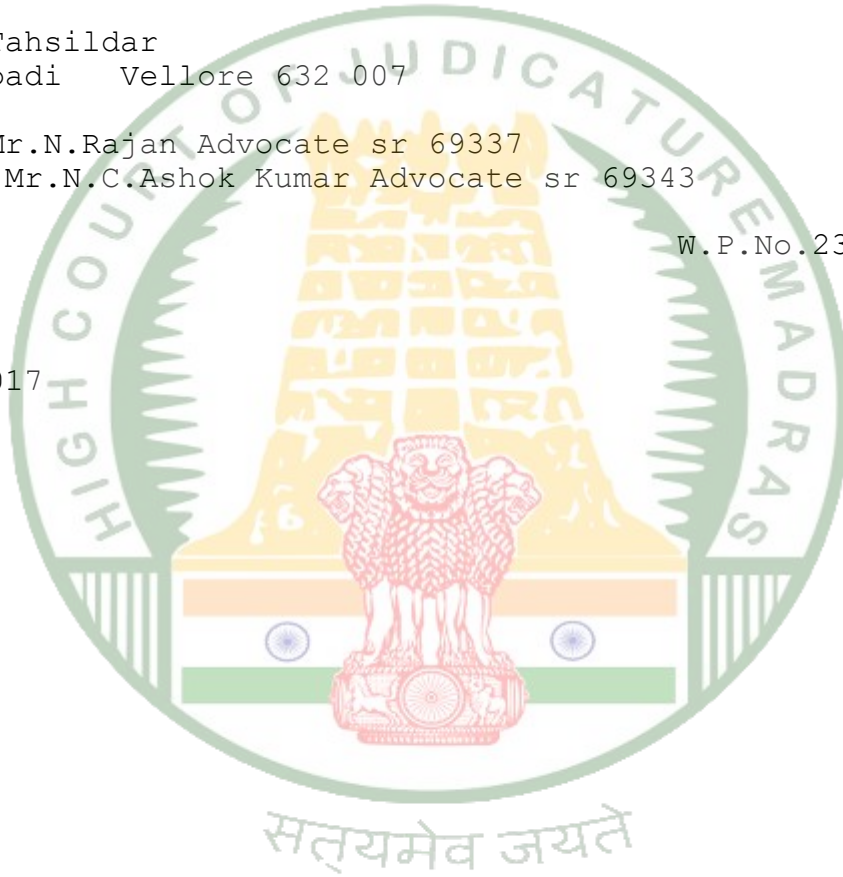
- 3 The Joint Commissioner
Hindu Religious & Charitable Endowment
Sathuvachari Vellore 632 009
- 4 The District Revenue Divisional officer
District collector Office
Sathuvachari Vellore 632 009
- 5 The Superintendent of Police
Sathuvachari Vellore 632 009
- 6 The Tahsildar
Katpadi Vellore 632 007

+1 cc to Mr.N.Rajan Advocate sr 69337

+3 ccs to Mr.N.C.Ashok Kumar Advocate sr 69343

W.P.No.23970 of 2017

sr(co)
aa22/09/2017



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