

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2017

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.24828 of 2017

Rudhramadhappa. G.

... Petitioner

Vs.

1. The District Collector
Krishnagiri District
Krishnagiri.
2. The Sub-Collector
Hosur, Krishnagiri District.
3. The Commissioner
Hindu Religious and Charitable Endowment
Administration Department
Chennai - 600 032.
4. The Assistant Commissioner
Hindu Religious and Charitable Endowment
Administration Department
Krishnagiri.
5. The Superintendent of Police
Krishnagiri District, Krishnagiri.
6. The Deputy Superintendent of Police
Denkanikottai, Krishnagiri.
7. The Tahsildar
Denkanikottai Division
Krishnagiri.
8. Thakkar of A/m. Pasuveswar Temple
Omalar Village/ Executive Officer
A/m. Chandrachudeswar Temple
Hosur, Krishnagiri District.
9. The Inspector of Police
Anchetty Police Station
Denkanikottai.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents to remove the fence put around the A/m. Pasuveswar Thirukoil, Kottaiyur Village, Denkanikottai Taluk, Krishnagiri District, and to restore the footpath to facilitate conduct of poojas to the Presiding deity.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.M.K.Subramanian
Government Pleader
for respondents 1, 2, 5 to 7
and 9
Mr.M.Maharaja
Special Government Pleader
for respondents 3, 4 and 8

ORDER

(Order of the Court was made by M.Sundar,J.)

This is a public interest litigation.

2. Subject matter of this writ petition is a public temple under the control, management and administration of the Tamil Nadu Hindu Religious and Charitable Endowments Department (hereinafter referred to as "TNHRCE Department" for brevity), under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Act 22 of 1959) (hereinafter referred to as "the TNHRCE Act").

3. The facts that have been placed before us and the fact scenario as it emerges from the submissions made by Mr.M.Selvam, learned counsel for the petitioner, Mr.M.K.Subramanian, learned Government Pleader, who has accepted notice on behalf of respondents 1, 2, 5 to 7 and 9, and Mr.M.Maharaja, learned Special Government Pleader, who has accepted notice on behalf of respondents 3, 4 and 8, the aforesaid temple, which goes by the name Arulmighu Pasuveswara Temple (hereinafter referred to as "said temple" for clarity and convenience), is situate in land comprised in Survey No.279/1A in Kottaiyur Village, Denkanikottai Taluk, Krishnagiri District.

4. There is another parcel of land comprised in Survey No.273/1 in the same village, which, we are informed, is adjacent to and contiguous with the land in which the temple is situate.

5. The primary complaint or the pivotal point on which this public interest litigation is predicated is that one individual - Kalegowdu, son of K.Munegowdu, has cordoned off the entire aforesaid Survey No.273/1 admeasuring 3.24 Acres or thereabouts in such a manner that the access to the said temple for public is completely blocked.

6. It is also averred that revenue records such as patta with regard to the aforesaid Survey No.273/1, admeasuring 3.24 Acres or thereabouts, stand in the name of the said temple.

7. Considering the limited scope of the complaint that is projected before us, we are not delving much into factual details touching upon the topography. Suffice to re-state that the only complaint before us is that access to the public temple has been blocked by an individual by putting up a fence in a piece of land.

8. Access to a public temple cannot be blocked and this is indisputable.

9. We are informed by the learned Government Pleader as well as the learned Special Government Pleader (HR & CE) that the issue has been taken up by the District Collector/Sub Collector and that Peace Committee meetings had been held by the Sub Collector. To be noted, the District Collector and Sub Collector are respondents 1 and 2 respectively before us.

10. The Government Pleader and the Special Government Pleader (HR & CE) are hopeful that a peaceful and amicable solution is in the anvil and access to the public temple, which was hitherto available to general public, will be restored very shortly.

11. We record the aforesaid submission and direct respondents 1 and 2 to complete the exercise i.e., Peace Committee meetings as expeditiously as possible and in any event, within six weeks from the date of receipt of a copy of this order.

12. If, for some reason, a peaceful/amicable solution does not come about as hoped, the TNHRCE Department officials, particularly, the Commissioner, Jurisdictional Assistant Commissioner and Thakkar/Fit Person/Executive Officer of said temple, who are respondents 3, 4 and 8 respectively before us shall initiate proceedings under the TNHRCE Act or any other appropriate applicable Act (by acting in tandem with respondents 1 and 2) and restore access to the said public temple in a manner known to law.

13. To be noted, in the light of the indisputable position that access to a public temple cannot be blocked by anybody, we are passing this order, though the individual, referred to supra in this order, has not been arrayed as one of the respondents in this public interest litigation.

14. The Registry is directed to send a copy of this order to the aforesaid individual, namely Kalegowdu, son of Munegowdu, Ondoor Village, Denkanikottai Taluk, Krishnagiri District.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The District Collector
Krishnagiri District
Krishnagiri.
2. The Sub-Collector
Hosur, Krishnagiri District.
3. The Commissioner
Hindu Religious and Charitable Endowment
Administration Department
Chennai - 600 032.
4. The Assistant Commissioner
Hindu Religious and Charitable Endowment
Administration Department
Krishnagiri.
5. The Superintendent of Police
Krishnagiri District, Krishnagiri.
6. The Deputy Superintendent of Police
Denkanikottai, Krishnagiri.
7. The Tahsildar
Denkanikottai Division
Krishnagiri.

8. Thakkar of A/m. Pasuveswar Temple
Omalur Village/ Executive Officer
A/m. Chandrachudeswar Temple
Hosur, Krishnagiri District.

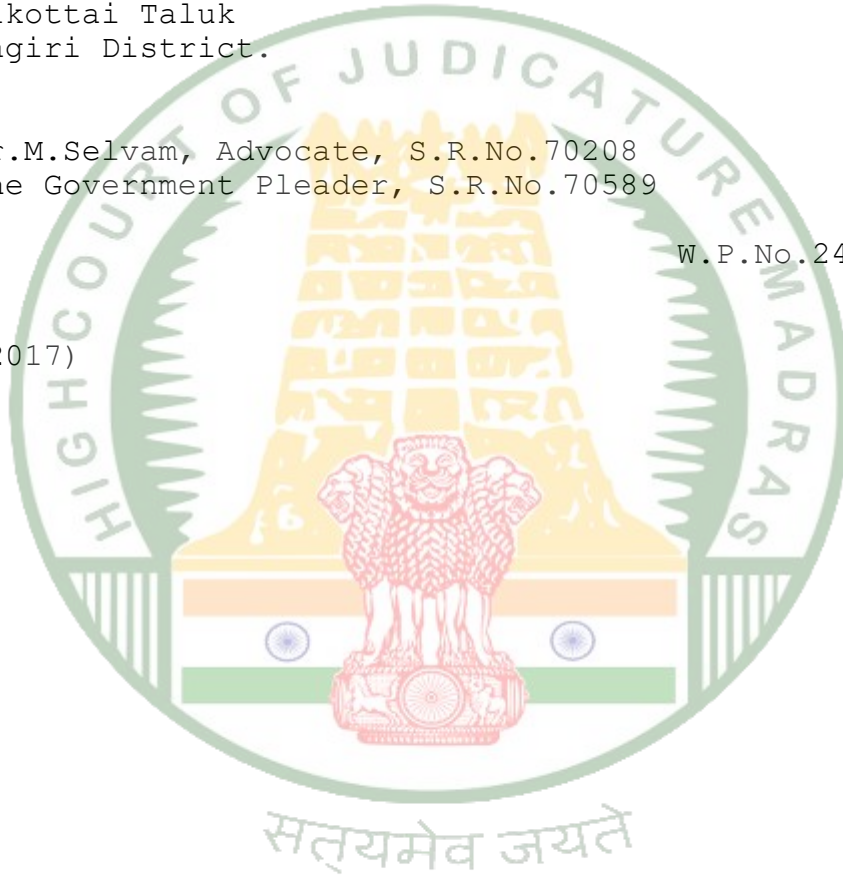
9. The Inspector of Police
Anchetty Police Station
Denkanikottai.

10. Kalegowdu
S/o. Munegowdu
Ondoor Village
Denkanikottai Taluk
Krishnagiri District.

+1cc to Mr.M.Selvam, Advocate, S.R.No.70208
+1cc to the Government Pleader, S.R.No.70589

W.P.No.24828 of 2017

CS IV
CA(04/10/2017)



WEB COPY