

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.12.2017

CORAM

THE HONOURABLE Mr.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.2678 of 2017
and W.M.P.No.2631 of 2017

1.Sundaramoorthy
2.Kumaravel
3.Selvarasu
4.Pazhanivel

.. Petitioners

Vs

1.The Collector,
Cuddalore District,
Cuddalore.

2.The Divisional Arbitrator/
Revenue Divisional Officer,
Cuddalore.

3.The Tahsildar,
Panruti Taluk,
Panruti, Cuddalore District.

4.The Revenue Inspector,
Marungur,
Panruti Taluk, Cuddalore District.

5.The Village Administrative Officer,
Perperiankuppam,
Panruti Taluk, Cuddalore District.

6.The Superintendent of Police,
Cuddalore District, Cuddalore.

7.Arumugham

8.Samikkannu

9.Ramalingam

10.Rajadurai

11.Rajavelu

12.Pazhanivel

13.Selvarasu

14.Rajamanickam

15.Marimuthu

16.Kumaravel

17.Rajendran

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18.Ramachandran
19.Thangasami
20.Pazhani
21.Sigamani

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records and quash the proceedings of the 2nd respondent in Na.Ka.A2/3357/2016 dated 11.11.2016.

For Petitioners : Mr.T.R.Rajagopalan, Senior Counsel
for Mr.S.Selvaraju

For Respondents : Mr.A.Kumar,
Spl.Govt. Pleader for R1 to R6

: Mr.A.Jenasenan
for R7 to R11, R13 to R15 & R17 to R21

R.12 -No appearance

R.16 -Not ready

O R D E R

The petitioners are aggrieved against the order passed by the second respondent dated 11.11.2016, wherein and whereby, the second respondent has decided the dispute over the right of management of private Temple, namely, Arumighu Subramaniaswami Temple of Perperiankuppam, Panruti Taluk, Cuddalore District, between the petitioners on one hand and the private respondents No.7 to 21 on the other hand.

2.Heard Mr.T.R.Rajagopalan, learned Senior Counsel appearing for the petitioners; Mr.A.Jenasenan, learned counsel appearing for the private respondents and the learned Special Government Pleader appearing for the official respondents.

3.It is not in dispute that the subject matter Temple is not falling under the control of Hindu Religious and Charitable Endowment Department. Admittedly, it is a private Temple situated in a village. It appears that there is a dispute between the parties, namely, the petitioners on one side and the respondents No.7 to 21 on the other side in respect of the management of the Temple. The second respondent, based on a complaint dated 08.09.2016 given by one Pazhani and others, proceeded to decide the right of management between the parties and passed the present impugned order.

4.Learned Senior Counsel appearing for the petitioner submitted that the second respondent has no jurisdiction to decide such right, as the same can be relegated only to the competent civil Court.

5.Learned counsel appearing for the private respondents also submitted that the issue can be agitated before the competent civil Court by filing appropriate civil suit by either of the parties.

6.Perusal of the impugned order would show that the second respondent, who has absolutely no jurisdiction to enquire into and decide the dispute with regard to the management of a private Temple, has given certain findings as to who is entitled to manage the said Temple. In my considered view, the findings rendered by the second respondent cannot be sustained purely on the question of jurisdiction. As it is admitted by both parties that they will go and agitate their respective right before the competent civil Court, this Writ Petition is allowed in the following terms :

- (a)The impugned order is set aside without expressing any view on the merits of the management right as claimed by both parties.
- (b)The parties are at liberty to file appropriate civil suit before the competent civil Court for establishing the right of management of the said Temple.
- (c)If any such suit is filed, the civil Court shall consider the same on its own merits and in accordance with law.
- (d)It is clarified that allowing this writ petition and setting aside the impugned order, shall not be construed as if this Court has expressed any view in respect of the management of the Temple in favour of the petitioners or the respondents as this Court has directed both the parties to approach the competent Court to decide the matter.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To

1.The Collector,
Cuddalore District, Cuddalore.

2.The Divisional Arbitrator/Revenue Divisional Officer,
Cuddalore.

3.The Tahsildar,
Panruti Taluk,
Panruti, Cuddalore District.

4.The Revenue Inspector,
Marungur, Panruti Taluk,
Cuddalore District.

5.The Village Administrative Officer,
Perperiankuppam,
Panruti Taluk, Cuddalore District.

6.The Superintendent of Police,
Cuddalore District, Cuddalore.

+2cc to Mr.S.Selvaraju, Advocate SR.No.90693

+1cc to Mr.A.Jenasenan, Advocate SR.No.90903

+1cc to Government Pleader SR.No.91145

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SSI (CO)
GN(22/12/2017)

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