



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2017

CORAM

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.10522 of 2017

and

WMP (MD) No.8033 of 2017

M.P.Murugaiah Pandian

: Petitioner

-vs-

- 1.The Joint Commissioner,
H.R. & C.E. Department,
40, Muthusamy Nagar,
Thirupathur Road,
Sivagangai.
- 2.The Assistant Commissioner,
H.R & C.E. Department,
Virudhunagar.
- 3.The Executive Officer,
H.R & C.E. Department,
Arulmigu Mayuranathasamy Temple,
Pethavanallur,
Rajapalayam.
- 4.Inspector,
Office of the Andal Thirukovil,
Srivilliputtur.
- 5.The Thasildar,
Thasildar Office,
Rajapalayam.

6.K.Rajalingam

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus, directing the respondents 1 to 3 to control the management of the Arulmigu Sri Kalamman Thirukoil, situate in Muthukudi Village, Rajapalayam Taluk, through the Nattanmai of all community people of the MUTHUKUDI village or to takeover, administer and manage the said Temple by considering the representation, dated 30.05.2017 of the petitioner within a time stipulated by this court.

For Petitioner

: Mr.A.Sivaji

For R1 to R5

: Mr.A.Muthukaruppan
Additional Government Pleader

<https://hcservices.ecourts.gov.in/hcservices/>

For 6th respondent

: Mr.S.Karthik

**O R D E R**

The petitioner has come forward with this writ petition seeking a Mandamus, directing the respondents 1 to 3 to control the management of the Arulmigu Sri Kalliamman Thirukoil, situate in Muthukudi Village, Rajapalayam Taluk through the Nattanmai of all community people of the MUTHUKUDI village or to takeover, administer and manage the said temple, by considering the representation of the petitioner, dated 30.05.2017, within a time frame.

2.The grievance of the petitioner is that Sri Kalliamman temple situated at Mudukudi village in Rajapalayam Taluk is a public temple, but the 6th respondent and his supporters are acting as if the temple belongs to them and hence, the present writ petition has been filed.

3.The learned counsel appearing for the petitioner would submit that the 6th respondent is claiming exclusive right over the said temple and they are preventing the other community people from participating the temple festival.

4.The learned counsel appearing for the 6th respondent would submit that the petitioner has already instituted a suit in O.S.No.115 of 2017 before the District Munsif Court, Srivilliputhur and he can agitate his remedy before the competent civil forum and that the Maha Kumbabishekam is conducted by the Village Nattanmais, Administrative Committee as well as the other general public and the 6th respondent will not claim any exclusive right for conducting the temple festival.

5.The learned Additional Government Pleader appearing for the respondents 1 to 5, on instructions, submitted that the said temple is not coming under the control of the HR & CE and it is situated in a poramboke land and the said temple belongs to the general public, so no one can claim exclusive right over the same.

6.The 6th respondent has filed an affidavit stating that he is a contractor and builder of the temple and he and his parties will not object or prevent the petitioner or any other villagers or other community people from worshiping Sri Valampuri Vinayagar and Sri Kalliamman and he is welcoming the petitioner and others to participate in the Kumbabisheham, as scheduled on 07.06.2017.

7.In view of the affidavit of undertaking filed by the 6th respondent and the submissions made by the learned counsel appearing on either side, the writ petition stands closed, as no



further adjudication is necessary in this writ petition. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To,

1.The Joint Commissioner,
H.R. & C.E. Department,
40, Muthusamy Nagar,
Thirupathur Road, Sivagangai.

2.The Assistant Commissioner,
H.R & C.E. Department, Virudhunagar.

3.The Executive Officer,
H.R & C.E. Department,
Arulmigu Mayuranathasamy Temple,
Pethavanallur, Rajapalayam.

4.The Inspector,
Office of the Andal Thirukovil,
Srivilliputtur.

5.The Thasildar,
Thasildar Office, Rajapalayam.

+1cc to Mr.P.Mahendran,Advocate,SR.58905

+1cc to Mr.A.Sivaji,Advocate,SR.58893

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.58839

W.P. (MD)No.10522 of 2017
06.06.2017

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