



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No. 16372 of 2017

and

W.M.P(MD)Nos.13047 to 13049 of 2017

V.Arumugam Asari

.. Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious & Charitable Endowment,
Melur,
Madurai District.

2.The Inspector,
Hindu Religious & Charitable Endowment,
Melur,
Madurai District.

3.The Revenue Divisional Officer,
Madurai District,
Madurai.

4.The Tahsildar,
Melur,
Madurai District.

5.Inspector of Police,
Melur Police Station,
Melur,
Madurai District.

6.S.Muthuvel @ Shanmugam Asari

7.S.M.Saravanakumar

8.K.Sakthivel Murugan

9.V.S.G.Thiagarajan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the Respondents 1 & 2 to conduct proper enquiry against the Respondents 6 to 9 regarding misappropriation of the temple funds and create proper administration by appointing Fit Person and other suitable measures for the protection and proper administration of the Arulmighu Sri Kamatchi Amman Temple,



situated at Manthaithidal, Melur Taluk, Madurai.

For Petitioner : Mr.M.Kannan
For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate
for R.1 to R.5
Mr.R.Sathish, for R.6 to R.9

ORDER

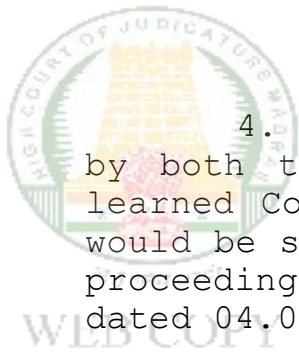
This writ petition has been filed by the petitioner, seeking a writ of Mandamus, directing the Respondents 1 & 2 to conduct proper enquiry against the Respondents 6 to 9, regarding misappropriation of the temple funds and consequently direct the 1st respondent to appoint a Fit Person for administering the Arulmighu Sri Kamatchi Amman Temple, situated at Manthaithidal, Melur Taluk, Madurai.

2. The brief facts of the case is as follows:

2.1. According to the petitioner, the temple in question was managed by Viswakarma Community people's trust, namely, "Viswa Prahmanar Vaguppu Pothu Dharma Paripalana", situated in Door No.9, Manthai Thidal, Melur Taluk, Madurai District, nearly 68 years ago. Whereas, the respondents 6 to 9 created a similar trust in the name of "Arulmighu Ohm Sri Kamatchiamman Viswakarma Trust" on 22.10.2010, claiming that they are having the rights to administer the temple in question and also started collecting huge sum of money from the public, in the form of donations, with the sole intention to misappropriate the same. In this regard, a petition/complaint was lodged by the petitioner and others, before the concerned authority, for selection of proper office bearers and for verification of the accounts pertaining to the sangam of the respondents 6 to 9. But the same ended in a failure, due to the non co-operation of the respondents 6 to 9. The subsequent meetings and conciliation attempts also ended in vain.

2.2. In the meanwhile, in order to safeguard the temple, the petitioner and others formed a society, by name "Melur Arulmighu Sri Kamatchi Amman Tirukoil Viswakarma Sangam" on 27.09.2016 and registered the same under the Tamil Nadu Societies Registration Act, 1975. The disputes between the parties are now pending before the second respondent, as ordered by the first respondent on 04.07.2017 and hence, the petitioner is before this Court.

3. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 5 as well as the learned Counsel appearing for the



4. After a detailed and elaborate argument, it was agreed by both the learned Counsel for the petitioner as well as the learned Counsel for the respondents 6 to 9 that both the parties would be satisfied, if a suitable decision is taken on the pending proceedings initiated by the Joint Commissioner/first respondent, dated 04.07.2017.

5. Under such circumstances, this Court, without going into the merits of the case, directs the first & second respondents to dispose of the proceedings initiated on 04.07.2017, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as to the respondents 6 to 9, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar.

To

1. The Joint Commissioner, Hindu Religious & Charitable Endowment, Melur, Madurai District.
2. The Inspector, Hindu Religious & Charitable Endowment, Melur, Madurai District.
3. The Revenue Divisional Officer, Madurai District, Madurai.
4. The Tahsildar, Melur, Madurai District.
5. Inspector of Police, Melur Police Station, Melur, Madurai District.

+1CC to Mr. M. Kannan, Advocate, SR.No. 76507

+1CC to the Special Government Pleader SR.No. 76642

ORDER MADE IN
W.P (MD) No. 16372 of 2017
and
W.M.P (MD) Nos. 13047 to 13049 of 2017
04.09.2017