



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.18015 of 2017

D.Rajaram

... Petitioner

Vs.

1. The District Collector,
Dindigul, Dindigul District.

2. The Tahsildar,
Natham, Dindigul District.

3. The Superintendent of Police,
Dindigul, Dindigul District.

4. The Inspector of Police,
Natham Police Station,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 3rd and 4th respondents to give police protection for the smooth and peaceful celebration of Sri Arulmigu Nallaravan @ Koothandavar Temple at Mulaiyur Panchayat, Natham Taluk, Dindigul District scheduled to be festival meeting held on 27.09.2017 and the festival to be celebrated on 03.10.2017 to 05.10.2017.

For Petitioner : Mr.I.Velpradeep

For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader.

ORDER

This Writ Petition has been filed to direct the 3rd and 4th respondents to give police protection for the smooth and peaceful celebration of Sri Arulmigu Nallaravan @ Koothandavar Temple at Mulaiyur Panchayat, Natham Taluk, Dindigul District, on 27.09.2017 and the festival to be celebrated on 03.10.2017 to 05.10.2017.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.



3. The petitioner states that the Temple belongs to various communities of Mulaiyur, Chinna Mulaiyur, Kattapullipatti and Rowthanpatti situated at Mulaiyur Panchayat, Natham Taluk, Dindigul District. The petitioner further states that the villagers normally used to celebrate the festival jointly and the expenses will be collected from donations and vari. It is further stated that in the year 2006, one Perumal claimed trusteeship over the temple and that a suit came to be filed by the said group before the District Munsif-cum-Judicial Magistrate Court, Natham, in O.S.No.80 of 2006, for a mandatory injunction against the petitioner and other trustees of the temple to hand over the temple key and for other reliefs. Though the suit was decreed by the lower Court, it is stated that aggrieved by the same, an appeal was preferred by the petitioner before the learned Additional Sub Judge, Dindigul in A.S.No.34 of 2008 and the same was allowed on 08.03.2010 and the learned Additional Sub Judge, Dindigul, set aside the order passed in O.S.No.80 of 2006. It is further stated that a second appeal came to be filed before this Court in S.A.(MD) No.237 of 2013 and this Court has dismissed the second appeal confirming the judgment and decree of the appellate Court holding that the civil suit is not maintainable. It was further observed by this Court that the parties in the suit can approach the authorities under the provisions of the Hindu Religious and Charitable Endowments Act, to establish their rights either for framing a scheme or for other reliefs.

4. Having regard to the nature of the contentions raised by the learned counsel for the petitioner, this Court is able to see that the temple in question is a public temple. Since there is a dispute as to the right to administer the temple and related affairs the same also can be decided by the Hindu Religious and Charitable Endowments Department, if the petitioner can establish that the temple in question is entitled to be administered by a person or group of persons who can be recognized as trustees. Even otherwise, as it was suggested by the second respondent, the parties can approach the Hindu Religious and Charitable Endowments Department, for framing a scheme for proper administration of the temple. In case, a scheme is framed by the Hindu Religious and Charitable Endowments Department, in respect of the temple, the persons who are put in charge of the administration of the temple, as per the scheme, will move the appropriate authorities. Since the question with regard to the trusteeship and the right to administer the temple is in dispute, this Court cannot entertain this petition. Hence, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/



To

1. The District Collector,
Dindigul,
Dindigul District.
2. The Tahsildar,
Natham,
Dindigul District.
3. The Superintendent of Police,
Dindigul,
Dindigul District.
4. The Inspector of Police,
Natham Police Station,
Dindigul District.

+1cc to The Special Government Pleader in SR.No.81139

mm/cmr

AE/KK/SAR3/13.10.2017/3P/6C

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22.09.2017