



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **12.10.2017**

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.857 of 2017

N.Vallinayagam : Petitioner
.vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Slaai,
Nungambakkam,
Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai.

3. S.Palanichamy : Respondents

(R3 impleaded as per order of this
Court made in W.M.P(MD)No.7784/2017
in W.P(MD)No.857 of 2017, dated 20.6.2017.)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the respondents to consider the Petitioner's representation, dated 19.09.2016 seeking to take over the management of Arulmighu Sangliyadi Temple, situate at Samsigapuram Village, Rajapalayam, Virudhunagar District.

For Petitioner : Mr.M.Jerin Mathew
for M/s.M.E.Ilango

For Respondents : Mr.M.Govindan
1 and 2 Spl Govt.Pleader

For Respondent-3 : Mr.M.Jothibas

O R D E R

[Order of the Court was made by **M.VENUGOPAL, J.**]

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This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to consider the Petitioner's



representation, dated 19.09.2016 seeking to take over the management of Arulmighu Sangliyadi Temple, situate at Samsigapuram Village, Rajapalayam, Virudhunagar District.

2. Heard both sides. No counter is filed on behalf of the respondents.

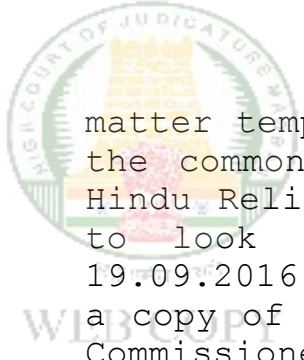
3. By consent, the main Writ Petition itself is taken up for final disposal.

4. According to the Petitioner, he is a permanent resident of South Ponnagaram Village, Rajapalayam Taluk, Virudhunagar District and is also acting as Secretary of Law Foundation(India). There is a temple by name Arulmighu Sangilayan Temple built 100 years ago in Government poramboke land situated near Keezhalluppilangulam tank bund in Samusikapuram Village, Rajapalayam Taluk, Virudhunagar District. The deity is worshipped by thousands of people living in nearby villages and belonging to various communities, as their family deity.

5. The learned counsel for the Petitioner submits that during last 20 years, several buildings and facilities have cropped up with the money collected by villagers among themselves. As the temple is in the Government Poramboke land, no one could lay any claim in respect of the temple or the land or the building, as they have been build without any legal sanction. As a result of the construction made by different communities, it is represented on behalf of the Petitioner that, now they claim right over the temple independently and has started to fight to take over the management of the temple and also restraining the common public from worshipping the deity in the temple etc.,

6. It comes to be known that the different community people have laid different civil suits in O.S.Nos.51 of 2015, 392 of 2015 and 122 of 2016, on the file of respective trial Courts. It appears that the community people had indulged in violence among themselves, so as to establish their right over the temple, despite the pendency of the civil suits and therefore Peace Committee Meetings were also convened by the Revenue Divisional Officer. However, no consensus could be reached within the warring groups. Hence, the Petitioner has made a representation, dated 19.09.2016 before the respondents 1 and 2 praying for taking suitable action, but necessary orders have not been passed on the said representation. Hence the Petitioner has filed the present Writ Petition, seeking necessary relief thereto.

7. Inasmuch as the relief sought for by the Petitioner in his representation, dated 19.09.2016 addressed to the Commissioner, Revenue and Charitable Endowments Department, Nungambakkam, Chennai-34 (copy being marked to the Joint Commissioner and others), is for taking effort to the subject-



matter temple for performance of Kumbabishekam for worshipping by the common public, the second respondent/the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Sivagangai to look into the representation of the Petitioner, dated 19.09.2016 within a period of ten days from the date of receipt of a copy of this order. Thereafter, the second respondent/The Joint Commissioner, Hindu Religious and Charitable Endowment Department, Sivagangai is to provide opportunity to the Petitioner including third respondent and others concerned and after adhering to the principles of natural justice, is to pass necessary orders on merits, of course, in the manner known to law and in accordance with law, within a period of six weeks thereafter. It is open to the Petitioner and others concerned to raise all factual and legal pleas before the second respondent, who shall advert not only to the facts, but also legal issues to be addressed by the parties at the time of passing of orders based on the representation, dated 19.09.2016, which float on the surface.

8. With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Slaai,
Nungambakkam,
Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai.

+1cc to Mr.M.Jothibas, Advocate Sr.No.82703

+1cc to Mr.M.E.Ilango, Advocate Sr.No.82692

VSN

VB/KK/SAR2/30/10/2017/3P/5C

**ORDER MADE IN
W.P. (MD) No.857 Of 2017
12.10.2017**