



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 28.08.2017

WEB COPY

CORAM :
THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
AND
THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.A(MD)No.1309 of 2015
and
C.M.P(MD)Nos.4664, 4548, 5409 of 2017
and
M.P(MD)No.1 of 2015

Seeni Naicker ... Appellant/5th Respondent
Vs.

1.The Kovilpatti Bajanai Madam Trust,
Rep.by its President,
Ko.Muthian

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The Revenue Divisional Officer,
Aruppukkottai Sub Division,
Virudhunagar District.

4.The Tahsildar,
Kariapatti Taluk, Virudhunagar District.

5.The Inspector of Police,
Mallanginaru Police Station,
Virudhunagar District,

...Respondent No 2 to 5/
Respondent No 1 to 4

6.S.Vaiyappan

7.M.Muthu Ramalingam

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

(R8 is Suo Moto impleaded vide Court
order dated 28.08.2017)

... Respondents 6&7/Respondents 6&7

(Respondents 6 & 7 for themselves and
as representatives of worshippers of
5 temples)



- 1.Sri Vinayagar Temple
- 2.Sri Kaliyamman Temple
- 3.Sri Krishna Bajanai Madam
- 4.Sri Muthalamman Madam
- 5.Sri Pattatharasi Amman Koil
in the village of Kovilpatti)

Prayer : This Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 08.10.2015 in WP(MD)No.8362 of 2015.

Prayer in WP(MD) . 8362/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ, order or direction or any other writ in the nature of a Writ of Certiorarified mandamus calling for the records relating to the impugned order of the 2nd respondent in Na.Ka, A2/4211/2014 dated 14.05.2015 quash the same and consequently direct the respondent 1 to 4 to permit the petitioner to conduct Vaikasi Pongal Festival for the five temples in 1. Sri Vinayagar Temple, 2. Muthlamman Temple, 3. Sri Krishnar, 4. A/M. Kaliyamman and 5. Pattathu Arasi Amman situated in Kovilpatti Village, Mallanginaru, Kovilpatti Taluk, Virudhunagar District, from 27.05.2015 to 31.05.2015 in accordance with customary practice and also not to allow the 5th respondent from creating any law and order problem in conducting temple festivals.

For Appellant : Mr.G.Prabhurajadurai for Mr.S.Balamurugan
For Respondents: Mr.S.Veerakathiravan, Senior Counsel

for R1

for Mr.c.Jeganathan, for R1

Mr.T.S.Md.Mohideen, AGP for RR2 to 5

J U D G M E N T

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

This writ appeal is directed against the order dated 08.10.2015 made in WP(MD)No.8362 of 2015 filed by the first respondent herein. An interim order was granted in the writ appeal and the writ petitioner filed CMP(MD)No.4664 of 2017 to vacate the said interim order dated 24.05.2017 in C.M.P(MD)No.4548 of 2017.

2.Heard the learned counsel appearing for the appellant and the learned Senior Counsel appearing for the first respondent and the Additional Government Pleader for the official respondents.

3.There has been a host of litigations between the parties. The issue relates to the rights of the villagers of Krishnapuram to take part in certain religious ceremonies and rituals in the 5



temples in Kovilpatti Village. This is an internal dispute among the members of Hindu Thottinayakkan community. The first respondent Trust is managing the said temples. The grievance of the Krishnapuram villagers is that they are not allowed to tie what is known as (Kappu). No Poll Tax is being collected from them. They made it clear that they make no claim on the temple management. But, the first respondent is categorically stated that while there is no objection for the villagers of Krishnapuram to come and offer their worship, the question of tying Kappu or collecting Vari from them is not possible. This dispute led to filing of writ petitions and suits and Criminal Original Petitions. Peace Committee meetings were conducted on more than one occasion. The villagers of Krishnapuram place reliance on the agreement dated 01.01.1975. The first respondent would contest the validity and genuineness of the said agreement.

4.While so, the Revenue Divisional Officer, Aruppukkottai passed an order dated 14.05.2015 holding that the temple festival cannot be conducted without the full participation of the villagers of Krishnapuram. This order dated 14.05.2015 was challenged by the first respondent in WP(MD)No.8362 of 2015. The learned Judge held that since there is a serious dispute between the parties, they ought to have been relegated to move the Civil Court. The Revenue Divisional Officer, Aruppukkottai erred in assuming the jurisdiction to adjudicate the issue on the strength of agreement dated 01.01.1975. In this view of the matter, the order dated 14.05.2015 passed by the Revenue Divisional Officer, Aruppukkottai was quashed. The appellant herein was given liberty to workout his remedy before the competent Civil Court. Aggrieved by the said order, this intra Court appeal was filed.

5.We are of the view that the issue has to be adjudicated only by the competent authority under the Tamil Nadu Hindu Religious and Charitable Endowments Act. The learned Judge was right in holding that the revenue authority could not have gone into the disputed issue and determined the rights of parties. Therefore, the order of the learned Judge quashing the order dated 14.05.2015 does not call for any interference.

6.The learned counsel appearing for the appellant submitted that they are willing to approach the Joint Commissioner, HR & CE Department, Sivagangai for resolving the subject matter. We permit the appellant to file an appropriate application before the Joint Commissioner, HR & CE Department, Sivagangai raising all the outstanding issues. We leave open all the contentions. The said authority is directed to dispose of the application on or before 28.02.2018. The authority ought to bear this time limit <https://hcservices.mca.gov.in/hcservices/> and shall dispose of the O.A without asking for any subsequent extension of time. This is because, the annual temple festival will have to be celebrated in the month of May and



therefore it is necessary for the authority to decide the issue sufficiently early.

7.This writ appeal is disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

1.The District Collector, Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer, Aruppukkottai Sub Division,
Virudhunagar District.

3.The Tahsildar, Kariapatti Taluk, Virudhunagar District.

4.The Inspector of Police, Mallanginaru Police Station,
Virudhunagar District,

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

+1cc to Mr.S.BALAMURUGAN,Advocate,SR.75013

+2cc to M/S.VEERA ASSOCIATES,Advocate,SR.74833

+1cc to M/S.Special Government Pleader,SR. 75160

W.A(MD)No.1309 of 2015
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28.08.2017

SKM/RMK

KK/SKN RSK/SAR 1/22.09.2017/ 4P- 10C