

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

W.P. No.5534 of 2018 & W.M.P. No.6839 of 2018

D.V. Rethinam

Petitioner

vs.

- 1 The District Collector
O/o the District Collector
Erode - 1
- 2 The Superintendent of Police
Erode District
- 3 The Inspector of Police
P. Puliyampatti Police Station
Sathiyamangalam Taluk
Erode District
- 4 Appichimar Devasthana Trust
represented by its President
R. Ramasamy Gounder
S/o Rangaya Gounder
2A Bharathi Nagar II
Samalapuram
Palladam Taluk
Tiruppur District

Respondents

(R4 impleaded vide order dated 10.07.2018
passed in W.M.P. No.19317 of 2018)

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the third respondent to reopen the Appuchimarmadam temple locked by the third respondent on 04.02.2018 to perform Nithyakalapooja.

For petitioner Mr. C. Selvaraj

For RR 1 to 3 Mr. C. Raghavan
Govt. Advocate (Criminal Side)

For R4 Mr. K. Muthuganesa Pandian

ORDER

This writ petition has been preferred seeking a writ of mandamus directing the third respondent to reopen the Appuchimarmadam temple locked by the third respondent on 04.02.2018 to perform Nithyakalapooja.

2 It is the case of the petitioner that he is the Hereditary Trustee of Appuchimarmadam attached to Mariamman Temple at Nallur Village, Sathyamangalam Taluk, Erode District and that the said temple is being managed by the members of Vettuva Gounder community, Nallur Village. It is the further case of the petitioner that the members of the rival Vellala Gounder community are wanting to take over the temple by appointing their own priests illegally with a mala fide intention.

3 While so, it has been alleged by the petitioner in the affidavit that the police have locked the temple on 04.02.2018 without any authority of law and hence, this writ petition seeking the aforesaid relief.

4 Today, Mr. T. Saravanakumar, Special Sub Inspector of Police, Sathiamangalam Police Station, is present before this Court.

5 The learned Government Advocate (Crl. Side) submitted that on account of the dispute between the two communities, law and order problem ensued and the matter was referred to the Revenue authorities for an amicable settlement; Peace Committee Meetings were held by the Tahsildar, but, to no avail; thereafter, on 04.02.2018, the situation became so explosive that the Revenue Authorities ordered locking of the temple until resolution of the dispute between the parties.

6 The aforesaid facts have been suppressed by the petitioner in his affidavit.

7 The learned Government Advocate (Crl. Side) produced a copy of the proceedings of the Revenue Divisional Officer dated 27.02.2018, wherein, reasons for locking the temple have been set out.

8 In such view of the matter, it cannot be stated that the police have unilaterally locked the temple, as alleged by the petitioner.

In the upshot, this writ petition is dismissed with liberty to the petitioner to work out his remedy either before the Revenue authorities or before the Civil Court for establishing his rights. Costs made easy. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

cad
To

- 1 The District Collector
O/o the District Collector
Erode - 1
- 2 The Superintendent of Police
Erode District
- 3 The Inspector of Police
P. Puliampatti Police Station
Sathiyamangalam Taluk
Erode District

+1cc to Mr.K.Muthuganesapandian, Advocate SR.No.73194

W.P. No.5534 of 2018

RKCO)

GMV (14/11/2018)

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