

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.06.2018

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.12308 of 2004

Malayala Thannasi,
Karuppanna Samy Thiru Koil,
rep by its Hereditary Trustee
P. Kandasamy,
Pattuthurai,
Dharapuram Taluk,
Erode District.

... Petitioner

Vs

1. The Block Development Officer,
Mulanur Panchayat Union,
Dharapuram Taluk,
Erode District

2. The President,
Kilankundal Panchayat,
Mulanur Panchayat Union,
Dharapuram Taluk,
Erode District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus forbearing the respondents from
interfering with the affairs of the Arulmighu Malayala Tannasi

Karuppanasamy Temple situated at in Survey No.1766 Kilankundal Village, Dharapuram Taluk, Erode District.

For Petitioner : Mr.K. Elango

For Respondents : No appearance

ORDER

The Petitioner claims to be the Hereditary Trustee of Arulmighu Malayala Thannasi Karuppanna Samy Temple in an extent of 1.63.5 acres in S No. 1766 situate at Kilankundal Village, Dharapuram Taluk, Erode District and complains that the Respondents, viz., The Block Development Officer, Mulanur Panchayat Union and the President, Kilankundal Panchayat have been interfering with the affairs of the Temple and disturbing its peaceful administration and has sought for the relief of forbearing the Respondents from interfering with the affairs of that Temple in this Writ Petition.

2. At the time of admission of the Writ Petition, by order dated 29.04.2004 in WPMP No.14383 of 2004, an order of interim injunction restraining the Respondents from interfering with the affairs of the said temple of the Petitioner was granted.

3. On entering appearance in the matter, the Second Respondent has filed counter affidavit dated 28.08.2004 contending that the Village Panchayat did not interfere with the affairs of the temple which included hundial collection, Archana ticket, public offerings as donations and fees levied from the temporary shops established within the temple premises. It is further stated therein that during festival seasons, temporary shops were established by the Second Respondent in S Nos. 1763 and 1765 which are Panchayat road and Government poramboke, which did not form part of the temple lands and this would not amount to any interference with the affairs of the temple. It is explained that by auctioning the shops in S Nos. 1763 and 1765 which was being done for the past several years by the Village Panchayat, the revenue fetched therefrom has been used only for the purpose of providing basic amenities and carrying out the statutory duties of the Village Panchayat, within the limits of law. This Court on noticing the aforesaid contentions of the Second Respondent by Order dated 18.04.2005 in W.V.M.P.No.323 of 2005 had vacated the earlier interim order granted by this Court on 29.04.2004 in WPMP No.14383 of 2004.

4. Heard the learned counsel on both sides.

5. It is evident from the affidavit of the Petitioner in the Writ Petition that the claim for restraining the Respondents from interfering with the affairs of the temple of the Petitioner is related only in respect of the land in S. No. 1766 of Kilankundal Village, Dharapuram Taluk, and whereas the Second Respondent has categorically stated that all the activities of the Respondents are confined to the land in S. Nos. 1763 and 1765 of Kilankundal village, in respect of which the Petitioner admittedly does not have any claim. This would obviously mean that the Respondents would not interfere with the activities of the Temple of the Petitioner in S. No. 1765 of Kilankundal Village.

6. With the aforesaid observations, this Writ Petition stands disposed of. No costs.

22.06.2018

sr

Speaking Order

Index:yes/no

website:yes

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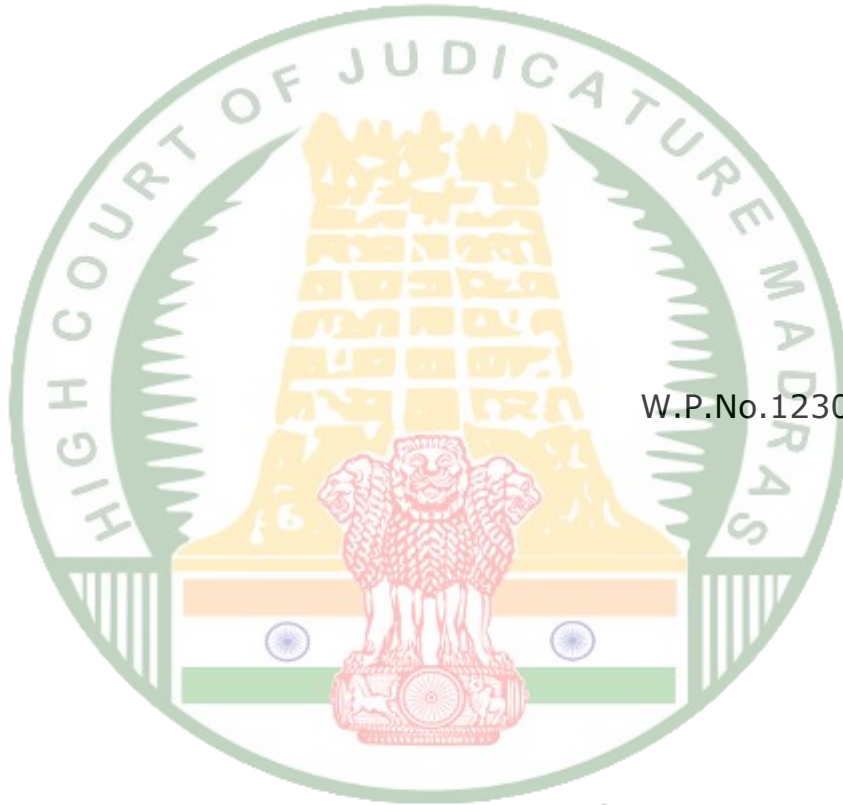
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2. The President,
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P.D.AUDIKESAVALU,J.,

sr



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