



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.4598 of 2018

Saravanan Servai

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.
- 3.The Commissioner,
HR & CE Department,
No.119, Nungampakam Highway,
Chennai - 34.
- 4.The Assistant Commissioner,
HR & CE Department,
Paramakudi,
Ramanathapuram District.
- 5.The Executive Officer,
Sri Elyanatchiyamman Thirukovil,
Kambanoor Village,
Thiruppathur Taluk,
Sivagangai District.
- 6.Alagappa Chettiar
- 7.Madhavan
- 8.Muthuraman Pillai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to recover the 29½' height, 12½' breath Sri Elyanatchiyamman Panchaloga Idol and temple properties in Survey No.58/9, 93/2, 95/3, 97/3 situated at Kambanoor Village, Thirupathur Taluk, Sivagangai District from the respondents 6 to 8 by considering the petitioner's representation dated 08.01.2018.



For Petitioner : Mr.E.Balasubramanian

For Respondents 1 to 5: Mr.K.Chellapandian
Additional Advocate General,
Assisted by Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

WEB COPY

For Respondents 7 and 8: Mr.Dr.C.Guhaseelarupan

ORDER

(Order of the Court was made by M.SATHYANARAYANAN,J.)

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

2.Mr.C.M.Marichelliah Prabhu, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 5 and he is lead by Mr.K.Chellapandian, learned Additional Advocate General and Dr.C.Guhaseelarupan, learned counsel accepts notice on behalf of the respondents 6 to 8.

3.The petitioner claims to be a resident of Kambanoor Village, Sivagangai District and came forward to file this Writ Petition, styled as Public Interest Litigation, stating among other things that the temple viz. Arulmighu Elayanatchiyamman Temple also known as Poojai Amman Temple is situated at Kambanoor Village, Thirupathur Taluk, Sivagangai District and it is under the control of respondents 1 to 3 and according to the petitioner, it is an ancient temple and it is the family deity of very many residents of the village. The petitioner has expressed his grievance that the respondents 6 to 8 are holding the Idol of Elayanatchiyamman Temple without any valid document and the land belonging to the said temple has been transferred to the name of Muthalagu Pattar, Poojari of the said temple and despite the representation made to respondents 1 to 4 to retrieve the Panchaloga Idol and the land belonging to the temple no action has been taken.

4.Learned Additional Advocate General appearing for the respondents 1 to 5 invited the attention of this Court to the communication of the Assistant Commissioner, HR & CE Department, Paramakudi dated 02.03.2018 in Na.Ka.No0.34/2017/A8 addressed to the Commissioner, HR & CE Department, Chennai - 34 and would submit that for safe custody of the said Idol it has been entrusted to Arulmighu Kottai Vinayagar and Meenakshi Sundareswarar Temple, which comes under the control of Sivagangai Samasthanam, which in turn comes under the control of HR & CE Department and as and when required the Idol has been taken to Arulmighu Elayanatchiyamman Temple and further submitted that in order to safeguard the custody of the said Idol, it is kept along with 13 other Idols of Kottai Vinayagar and Meenakshisundareswarar Temple and necessary and adequate safety measures have been taken in the form of installation of Closed Circuit Cameras, Burglar Alarm and Strong Room. It is further



submitted by the learned Additional Advocate General that the photographs of the said Idol with necessary particulars have also been uploaded in the website of HR & CE Department. So far as the allegations made as to the encroachers on the temple land, it is the submission of the learned Additional Advocate General, in respect of the land ad-measuring to an extent of 1.63.00 Hectares of Arulmighu Elayanatchiyamman Temple patta stands in the name of Muthalagu Pattar, who is the son of the person, who is performing Poojas viz., Muthuraman Pattar and the Fit person has been advised to take immediate and necessary steps to retrieve the land.

5.Learned counsel appearing for the private respondents would submit that the petitioner is interested only in getting his First Respect and though the writ petition is styled as Public Interest Litigation, it is not a Public Interest Litigation, but Private Interest Litigation. Further, he would invite the attention of this Court to the typed set of documents and would submit that since the official respondents have already seized of the matter no orders can be passed in this writ petition.

6.This Court has considered the rival submissions and perused the materials produced before this Court.

7.A perusal of the communication of the Assistant Commissioner, H.R & CE Department, Paramadi addressed to the Commissioner, H.R. & C.E. Department dated 02.03.2018, referred to above would disclose that the Panchaloga Idols of Arulmighu Elayanatchiyamman Temple has been entrusted to the custody of Arulmighu Kottai Vinayagar and Meenakshisundareswar Temple, which comes under the Sivagangai Samasthanam and in turn under H.R. & C.E. Department and as and when the said Idol is required for Pooja or Function, it is taken to the Temple of Arulmighu Elayanatchiyamman Thirukovil at Kambanoor Village, Thiruppathur Taluk. The said communication would also disclose that necessary and adequate safety measures have been taken in the form of installation of Closed Circuit Cameras, Burglar Alarm and Strong Room and as such the apprehension expressed as to the safe keeping of the said idol is unfounded.

8.Insofar as the retrieval of the temple land is concerned, necessary communication has also been addressed to the Fit Person of Arulmighu Elayanatchiyamman Temple to take steps to retrieve the land belonging to the Temple ad-measuring to an extent of 1.63.00 Hectares from Muthalagu Pattar for whom patta has been granted.

9.In the light of the said submissions, it is always open to the petitioner to correspondence with the Assistant Commissioner, HR & CE Department, Paramakudi as to the retrieval of the land belonging to Arulmighu Elayanatchiyamman Temple and the Fit Person of the temple shall also act on the communication of the Assistant Commissioner, HR & CE Department dated 02.03.2018 and take immediate



and appropriate steps in accordance with law to retrieve the said land.

10. The Writ Petition is disposed of subject to the aforesaid observations. No costs.

WEB COPY

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

3. The Commissioner,
HR & CE Department,
No.119, Nungampakam Highway,
Chennai - 34.

4. The Assistant Commissioner,
HR & CE Department,
Paramakudi,
Ramanathapuram District.

+2CC to Mr.C.Guhaseelarupan, Advocate, SR.No. 53541

+1CC to Mr.E.Balasubramanian, Advocate, SR.No. 53519

+1CC to the Special Government Pleader SR.No.54323

W.P (MD) No.4598 of 2018

07.03.2018

sj

AM/KKR/SAR 4/20.03.2018/4P/9C