



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2018

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE Mrs. JUSTICE R.THARANI

W.P. (MD) Nos. 4697 of 2018 & 21026 of 2017
and W.M.P. (MD) No. 17267 of 2017

W.P. (MD) No. 4697 of 2018

Arulmighu Malayandi Karuppasamy Temple
Represented by Executive Officer,
Valayankulam,
Madurai District.

... Petitioner

Vs.

1. The Superintendent of Police,
Madurai District, Madurai.
2. The Deputy Superintendent of Police,
Thirupparankundram,
Madurai District.
3. The Inspector of Police,
Perunkudi Police Station,
Perunkudi,
Madurai District.
4. V. Maharajan
5. V. Chinnaraja
6. S. Bose
7. M. Raman
8. I. Kadan
9. Nondi Mokkan
10. V. Nagendran
11. M. Vettini Malayan
12. M. Natarajan Poosar

... Respondents

PRAYER : The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to prevent the respondents 4 to 12 from erecting any fence or barricade in and around the temple as well as the Hundi.



For Petitioner : Mr.J.Barathan
For R1 to R3 : Mr.S.Dhayalan, G.A.
For R4 : Mr.P.Ganapathi Subramanian

W.P. (MD) No.21026 of 2017

Arulmighu Malayandi Karuppasamy Temple
Represented by Fit Person,
Valayankulam,
Madurai District.

... Petitioner

Vs.

1. The Superintendent of Police,
Madurai District, Madurai.
2. The Deputy Superintendent of Police,
Thirupparankundram,
Madurai District.
3. The Inspector of Police,
Perunkudi Police Station,
Perunkudi,
Madurai District.
4. V.Maharajan
5. V.Chinnaraja
6. S.Bose
7. M.Raman
8. I.Kadan
9. Nondi Mokkan
- 10.V.Nagendran
- 11.M.Vettini Malayan
- 12.M.Natarajan Poosari

... Respondents

PRAYER : The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to grant police protection for removal of the fencing as well as the barricade put up by the respondents 4 to 12 in and around the temple and Hundi and consequently consider the petitioner's representation dated 31.10.2017.

For Petitioner : Mr.J.Barathan
For R1 to R3 : Mr.S.Dhayalan, G.A.
For R4 to R12 : Mr.R.Ravindra Ram

COMMON ORDER

(Order of the Court was made by T.S.SIVAGNANAM,J.)

Heard the learned counsel on either side.



2.The petitioner seek protection from the official respondents to prevent the respondents 4 to 12 from erecting any fence or barricade in and around the temple as well as the Hundi and also sought for police protection for the temple and fence.

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3.The petitioner is the Executive Officer of the temple, who was appointed by the Government. Therefore the Executive Officer is entitled to discharge his duties in accordance with provisions of the Tamil Nadu Hindu Religious and Charitable Endowment Act 1959. If there is any third party interferes in the duties of the Executive Officer, he can initiate criminal action against the said persons.

4.As of now, the fence which was put up by the private respondents has been removed. The official respondents including the Inspector of Police, Perungudi Police Station should ensure that the no one erects fence in and around the Hundi. The Deputy Superintendent of Police, Thirupparankundram, Madurai District is directed to issue necessary instructions to the Inspector of Police and also monitor the same on regular intervals. The Executive Officer is permitted to open the Hundi by following the procedure and maintain proper account of the collections and remit the same into the separate bank account, which is maintained for the said purpose.

5.Since this Court has directed that the Hundi collections shall be remitted to the separate account and, the Joint Commissioner of the Hindu Religious and Charitable Endowment Department, Madurai District shall ensure that there is no discrepancy in the accounts. Further there will be a direction to the 2 and 3 respondents to give necessary protection to the Executive Officer, if requires. It is open to the respondents 4 to 12 to work out their remedy in accordance with law.

6.With the above observations, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar



1. The Superintendent of Police,
Madurai District, Madurai.

2. The Deputy Superintendent of Police,
Thirupparankundram,
Madurai District.

3. The Inspector of Police,
Perunkudi Police Station,
Perunkudi, Madurai District.

+ 1 CC TO Mr.T.R.JEYAPALAM, ADVOCATE IN SR No. 57585

+ 1 CC TO Mr.P.GANAPATHI SUBRAMANIAN, ADVOCATE IN SR No. 57879

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 58459

GNS

TE/SV-MMS/SAR-4 : 11/04/2018 : 4P/7C

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