



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.6246 of 2018

and

W.M.P. (MD) .Nos.6079 and 6924 of 2018

Kandasamy

... Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
Palani,
Dindigul District.
3. The Tashildar,
Vedasandur,
Dindigul District.
4. The Inspector of Police,
Kuziliamparai Police Station,
Kuziliamparai,
Dindigul District.
5. Kandasamy
6. Sivalingam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1 to 4th respondents herein to form the temple committee members to conduct the temple festival to the Arulmigu Sri Marriamman, Sri Pagavathi Amman and Sri Muthalamman Temple situated at Chinnathambi Patti Village, Vedasandur Taluk, Dindigul District based on the petitioner's representation dated 18.01.2018.

For Petitioner : Mr.G.Gomathi Sankar

For R1 to R4 : Mr.M.Karuppasamy
Government Advocate

For R5 : Mr.S.Gokulraj

For R6 : No appearance

**ORDER**

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to form the temple committee members to conduct the temple festival to the Arulmigu Sri Marriamman, Sri Pagavathi Amman and Sri Muthalamman Temple situated at Chinnathambi Patti Village, Vedasandur Taluk, Dindigul District based on the petitioner's representation dated 18.01.2018.

2. Heard Mr.G.Gomathi Sankar, learned counsel appearing for the petitioner and Mr.M.Karupphasamy, learned Government Advocate appearing for the respondents 1 to 4 and Mr.S.Gokulraj, learned counsel appearing for the 5th respondent.

3. The learned counsel appearing for the petitioner submitted that the 5th and 6th respondents are collecting the Thalakkattu Vari from the village people and celebrating the temple festival each and every year. After completion of the temple festival, the balance amount will be given to the village people, who are willing to borrow money from the 5th and 6th respondents for their family debt. The aforesaid procedures were followed by them for so many years. Subsequently, the 5th and 6th respondents have not followed the said procedure and they have not handed over the accounts to the village people. Hence, the petitioner made a representation to the respondents 1 to 4 stating that to form a committee of members to conduct the temple festival on 18.01.2018 and thereafter, the second respondent issued summon to the petitioner to appear before him on 12.02.2018 and the petitioner also appeared before the second respondent and an enquiry was conducted. Since no order has been passed by the second respondent, the petitioner has come forward with this Writ Petition for the relief stated supra.

4. According to the petitioner, he made an allegation against the 5th and 6th respondents that they have collected the Thalakkattu Vari from the village people and misused the same for their personal purpose. Therefore, the petitioner requested the respondents 1 to 4 to form a committee of members to conduct the Temple festival in order to prevent any misuse of the people's money by the 5th and 6th respondents.

5. The learned counsel appearing for the 5th and 6th respondents would submit that now the Trust has been registered and the learned counsel for the petitioner has also admitted the aforesaid submission.

6. The learned Government Advocate appearing for the respondents 1 to 4 would submit that the said Temple is constructed in the Government Poramboke land, which is classified as village Natham, except the Temple, remaining lands are the vacant lands.

<https://hcservices.ecourts.gov.in/hcservices/>

7. Admittedly, the aforesaid Temple belongs to the private and



it is not come under the purview of HR &CE Department and the petitioner has made an allegation against the respondents 5 and 6 stating that they are misused the people money. Therefore, this dispute cannot be decided in the present writ petition and the petitioner can approach the competent Court to workout his remedy in the manner know to law. Therefore, the present writ petition is not maintainable.

8. In the light of the above, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

9. At this Stage, both parties have agreed before this Court that the Tahsildar, Dindigul District viz., the third respondent has to constitute a Committee in the light of the Trust registered by the third and fourth respondents. In view of the above, it is open to the Tahsildar to constitute a Committee to conduct Temple festival to be held on 13.04.2018.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
Palani, Dindigul District.
3. The Tashildar,
Vedasandur,
Dindigul District.
4. The Inspector of Police,
Kuziliamparai Police Station,
Kuziliamparai,
Dindigul District.

+ 1 CC TO Mr.G.GOMATHI SANKAR, ADVOCATE IN SR No. 60968
+ 1 CC TO Mr.S.GOKULRAJ, ADVOCATE IN SR No. 61103

NS

TE/RSK/SAR-2 : 08/05/2018 : P/C