



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.08.2018
CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.17621 of 2018
and
W.M.P(MD)No.15495 of 2018

P.Krishnan

... Petitioner

vs.

1. The District Collector,
Trichy District, Trichy.
2. The Tahsildar
Marungapuri Taluk
Trichy District.
3. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department
Trichy.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Trichy.
5. The Inspector NO.I
Hindu Religious and Charitable Endowment Department,
Manapparai, Trichy.
6. The Superintendent of Police,
Trichy District, Trichy.
7. The Deputy Superintendent of Police,
Manapparai, Trichy District.
8. The Inspector of Police,
Thuvarankurichi Police Station
Thuvarankurichi
Trichy District.
9. The Sub Inspector of Police,
Valanadu Police Station,
Valanadu
Trichy District.



11. Thavasikonar

12. Arunachalam

13. Palaniyappan

14. Kanthasamy

15. Murugan

16. Sathishkumar

17. Mahendran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus to direct the respondents 1 to 9 to take action against the respondents 10 to 17 for renovation and construction of the temple namely, Arulmigu Sundara Vinayagar @ Vinaygar Thirukovil situated in Minikkiyoor, Piranpatty (North) Village, Marungapuri Taluk, Trichy District without orders from the Hindu Religious and Charitable Endowment Department, for illegal collection and misappropriation of temple funds and excommunication of the petitioner's community in the Minikkiyoor Village, Trichy District.

For Petitioner : Mr.K.Balasubramani

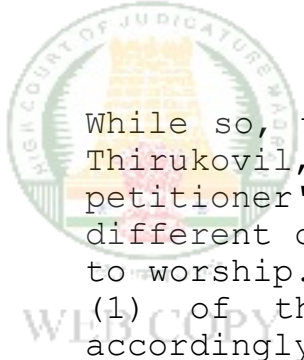
For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader for
R1 to R4, R6 to R9
Ms.S.Devasena for R5
No appearance for R10 to R17

O R D E R

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

This writ petition has been filed for a Writ of Mandamus directing the respondents 1 to 9 to take action against the respondents 10 to 17 for renovation and construction of the temple namely, Arulmigu Sundara Vinayagar @ Vinaygar Thirukovil situated in Minikkiyoor, Piranpatty (North) Village, Marungapuri Taluk, Trichy District without orders from the Hindu Religious and Charitable Endowment Department, for illegal collection and misappropriation of temple funds and excommunication of the petitioner's community in the Minikkiyoor Village, Trichy District.

2. Learned counsel for the petitioner submitted that the petitioner is an Officer serving in Indian Military Engineer Service at Nilgiris and also a native of Minikkiyoor, Piranpatty (North) Village, Marungapuri Taluk and belongs to Scheduled Caste Community.



While so, the Temple, namely, Arulmigu Sundara Vinayagar @ Vinaygar Thirukovil, which is situated in Natham poramboke belongs to the petitioner's Village. Therefore, all residents, especially, different community people residing in the Village, visit the Temple to worship. Now, the said temple was also notified under Section 49 (1) of the Hindu Religious and Charitable Endowment Act and accordingly, it is under the control of the Joint Commissioner of HR & CE, Trichy, the third respondent herein and the Inspector No.I, HR & CE Department, Manapparai the 5th respondent is managing the Temple. The car Festival of the said temple to be conducted by collecting funds from the general public. However, the people belonging to the petitioner's community have been discriminated from participating in the car festival, since they belong to Scheduled Caste Community. When it was decided to hold the Car festival, the petitioner and his community people also contributed donations, as they can also participate in the car festival and the money collected were also handed over to the notified persons, namely, respondents 10 to 17. Adding further, it is pleaded that the income and the donations emanated from the petitioner's community were swallowed by the respondents 10 to 17. When the petitioner questioned the same, the respondents 10 to 17 abused the petitioner with filthy language using his community name and threatened them with dire consequences.

3. As the respondents 10 to 17 belong to upper caste community, they have decided to renovate the temple and fixed 10.06.2018 to commence the work without getting any permission from any of the department concerned. In this regard, taking note of the difference of opinion, a peace committee meeting was held on 07.07.2018 by the Tahsildar of Marungapuri, the second respondent herein. The petitioner's side was arrayed as 'B' party and the respondents 10 to 17 were arrayed as 'A' party. Finally, after the completion of peace committee meeting, when the second respondent Tahsildar has taken a decision not to renovate the Temple till the problem is sorted out amicably, the respondents 10 to 17 have proceeded without giving any regard to the decision taken by the second respondent herein. In this connection, although the petitioner has given a detailed representation not to proceed with the renovation, but no action is taken. Therefore, the petitioner is before this Court with this writ petition.

4. We are unable to find any merit in this writ petition for the following reasons:

(i) when the petitioner alleged that a sum of Rs.1 lakh was collected from the petitioner's side and the same has been handed over to the respondents 10 to 17, neither in the affidavit filed in support of the writ petition nor in the complaint lodged before the 9th respondent police, the petitioner mentioned about the same with regard to the collection of money by them and making donations thereof to the respondents 10 to 17;

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

(ii) When the petitioner claims to be an officer serving in



Indian Military Engineering services at Nilgiris, we are unable to find any justification in making such a bald allegation that he has donated such huge amount without receiving any receipt ;

(iii) Although in his representation dated 26.07.2018, the petitioner has mentioned that a sum of Rs.3 lakhs was handed over to the respondents 10 to 17, nowhere, they mentioned that on what date this amount was collected and paid to the respondents 10 to 17, that too, without insisting upon any payment receipts from the respondents 10 to 17, which shows that the petitioner can make any irresponsible statement before any authority including this Court, which is an utter falsehood.

5. For all these reasons, we are unable to entertain this meritless writ petition. Accordingly, this writ petition fails and the same is dismissed. Since the petitioner has filed the present writ petition without any basis or truth, this Court is inclined to impose a cost of Rs.10,000/- (Rupees ten thousand only) to be paid by the petitioner to the Mediation and Conciliation Centre attached to this Court, within a period of two weeks from the date of receipt of a copy of this order. Consequently connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar(CS-I)

To

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9. The Sub Inspector of Police,
Valanadu Police Station,
Valanadu
Trichy District.

+1cc to Mr.S.DEVASENA, Advocate, SR.No.77797

+1cc to Mr.K.BALASUBRAMANI, Advocate, SR.No. 77606

+1cc to M/s.Special Government Pleader, SR.No.77742

W.P (MD) No.17621 of 2018
and
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RR
KK/SKN/SAR-1/04.10.2018/5P-13C