

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.15122 of 2016
and W.M.P.Nos.13177 of 2016 and 8484 of 2018

Sri Maha Ganapathi

Sri Maha Mariamman Thirukovil Trust,
Represented by its Trustee/Secretary,
Thiru M.D.Raju

S/o.Duraisamy Chettiar,
No.25, Bharathidasan Street,
Madathukulam Street,
Madathukulam Taluk,
Aathur, Koluman Post,
Tiruppur District

... Petitioner

Vs.

1. The District Collector,
Tiruppur District,
Tiruppur.

2. The Tahsildar,
Madathukulam Taluk,
Udumapet,
Tiruppur District.

3. The Sub Inspector of Police,
Kumaralingam Police Station,
Madathukulam Taluk,
Tiruppur District.

4. P.Chinnadurai.

5. S.Rangasamy Gounder

6. The Commissioner,
Hindu Religious Charitable Endowments Department (H.R & C.E)
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.
[R6 Suomotu impleaded vide order
dated 11.02.2019 made in
W.P.No.15122 of 2016 by PSNJ]

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to forthwith pass orders on the basis of the enquiry held on 20.08.2015 pursuant to the second respondent's letter dated 13.08.2015 in Na.Ka.NO.3765/2015/A3 and consequently permit the petitioner Trust to perform the Kumbhabisekham of the Sri Maha Ganapathi, Sri Maha Mariamman Thirukovil Trust, Aathur, Sankaramanallur, Madathukulam Taluk, Tiruppur District.

For Petitioner : Mr.A.Thiagarajan, Senior Counsel
for Mr.E.J.Ayyappan

For Respondents 1 to 3 : Mr.N.Inbanathan,
Additional Government Pleader

For Respondents 4 and 5: Mr.Kandhan Doraisamy

For Respondent 6 : Mr.M.Maharaja
Special Government Pleader
(H.R. C.E)

O R D E R

Worshipping God in the Temple itself is a dispute. The petitioner-Trust and the respondents 4 and 5 are loggerheads to claim their respective rights to go to the Temple mentioned in the petition.

2. Though the Writ Petition is filed for a mandamus seeking a direction to the respondents 1 and 2 to pass orders on the basis of the enquiry held on 20.08.2015, it appears that there is no such enquiry held on 20.08.2015. The grievance of the petitioner is that the Temple belonged to them and they cannot allow respondents 4 and 5 and their henchmen to enter into the Temple. According to the respondents 4 and 5, the deity itself is brought out of the temple and the Goddess is kept lying outside.

3. Both the petitioner and the respondents are not giving concurrence with respect to the conduct of Kumbabishekam or even peaceful worship of the deities.

4. By order dated 11.02.2019, the Commissioner, Hindu Religious and Endowments Department (H.R & C.E) was suo-motu impleaded as sixth respondent in this Writ Petition.

5. Mr.M.Maharaja, learned Special Government Pleader (H.R and C.E) appearing for the sixth respondent submitted that in

the given facts and circumstances, the parties can appear before the second respondent-Tahsildar for an enquiry to be conducted by him and before him, the parties can resolve their disputes.

6. Both the learned counsels appearing for the petitioner as well as respondents 4 and 5 agreed for the said course of action.

7. Accordingly, the petitioner and the respondents 4 and 5 are directed to appear before the second respondent for an enquiry to resolve their disputes. The second respondent is directed to issue notice to the parties as well as any other interested persons concerned and call for a Peace Committee Meeting on 11.03.2019.

8. The Assistant Commissioner, H.R & C.E, Tiruppur either by himself or nominate any Executive Officer from the nearby Temple to be present during the conduct of the enquiry in accordance with law. The enquiry proceedings shall be completed on or before 30.03.2019.

9. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

srn

To

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The Tahsildar,
Madathukulam Taluk,
Udumapet,
Tiruppur District.
3. The Sub Inspector of Police,
Kumaralingam Police Station,
Madathukulam Taluk,
Tiruppur District.

4. The Commissioner,
Hindu Religious Charitable Endowments Department (H.R & C.E)
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.

Copy To
The Assistant Registrar, HR & CE, Tiruppur.

+2ccs to Mr.E.J.Ayyappan, Advocate SR.No.19654,18804

+1cc to M/s.Muthumani Doraisami, Advocate SR.No.19146

+1cc to Government Pleader SR.No.19349

+1cc to Government Pleader (HR & CE) SR.No.20044

W.P.No.15122 of 2016
and W.M.P.Nos.13177 of 2016 and 8484 of 2018

GMV (05/03/2019)



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