



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. Nos.3755 & 5278 of 2021

and

WMP. Nos.4285 & 5833 of 2021

N.V.Jayaraman ...Petitioner in W.P. No.3755 of 2021

1.E.Ramadasan

2.R.Rajaguru

3.R.Paramaguru

4.Mrs.R.Chandra

5.D.C.R.Prabhakaran

6.Vanur K.Raji

7.E.Ramesh

8.K.Sankar ...Petitioner in W.P. No.5278 of 2021

Vs.

1.E.Ramadasan

2.The Tahsildar,
Tondiarpet, Chennai.

3.The Joint Commissioner,
The Hindu Religious and Charitable Endowments
Department, 119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai - 600 034. ...Respondents in W.P. No.3755 of 2021

1.The Revenue Divisional Officer,
Chennai North Division,
Tondiarpet, Chennai



2.The Tahsildar-Cum-Executive Magistrate,
Tondiarpet Taluk, Chennai.

3.The District Registrar,
Registrar of Societies,
Chennai North, Kuralagam,
Chennai - 600 108.

4.State by:
The Inspector of Police,
H-5, New Washermanpet Police Station,
Chennai.

5.N.V.Jayaraman

6.Mrs.Leelavathi

7.Mrs.Lalitha

8.Mrs.Vasanthi

9.Mrs.Rajeswari

10.Suresh

11.Pratap

12.A.Varadan

13.S.Narayanasamy

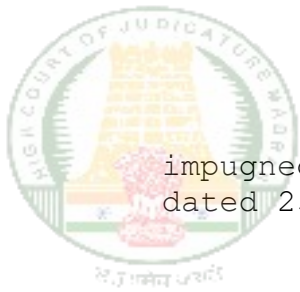
14.V.P.M.A.Chandrasekar

15.C.Pichandi

16.A.Ramesh ...Respondents in W.P. No.5728 of 2021

Prayer in W.P.No.3755 of 2021.: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the records of the 2nd respondent in Na.Ka.No.A1/1607/2020 dated 25.01.2021 and quash the same insofar as the locking of the temple is concerned.

Prayer in W.P.No.5728 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the entire records connected with the



impugned order of the 2nd respondent in Na.Ka.No.A1/1607/2020 dated 25.01.2021 and quash the same.

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For Petitioner : Ms.Ananda Gomathy
in W.P. No.3755 of 2021

Mr.K.Kannan
in W.P. No.5278 of 2021

For Respondents : Mr.NRR.Arun Natarajan,
Government Advocate for R2 & R3 in
W.P. No.3755 of 2021
R1 to R4 in W.P. No.5278 of 2021
No Appearance for R1
in W.P. No.3755 of 2021
Ms.Ananda Gomathy for R5 to R9
in W.P. No.5278 of 2021

C O M M O N O R D E R

This litigation relates to the Arulmigu Sri Selliyamman Samedai Vaitheshwarar Thaiyal Nayagi Udanuray Alayam (temple/temple in question), in existence for more than three decades and managed by the 'V.O.C. Nagar, Shri Arulmigu Chelliamman Aalaya Thirupani Kuzhu'.

2. The management saw dissent between two factions of the group leading to violence inter se. The dissent escalated to such an extent that the Tahsildar-cum-Executive Magistrate, taking note of the deteriorating law and order situation caused by virtue of the clash, passed an order dated 25.01.2021 closing the doors of, and locking down the temple.

3. Petitioners in the writ petitions are the representatives of the two warring groups who challenge the aforesaid order. Since they speak in one voice that the temple should not remain closed but be opened for public worship, I had attempted a reconciliation between the parties deferring solely to the interests of the devotees who desired that public worship in the temple be resumed. The Tahsildar had been directed to ensure that the disputes be settled and the temple opened only if he were satisfied that there would be no disturbances in law and order.

4. Learned counsel for the official respondents submitted that as per the direction of this Court dated 26.04.2021, both



the parties appeared before the Tahsildar, Tondiarpet on 11.06.2021 at 3.00 PM. Upon hearing the parties, the Tahsildar appears to have come to the conclusion that differences between the parties could not be put aside. He thus continued to have apprehensions for the safety of the public, if the temple were to be opened, and hence desisted from doing so.

5. On 13.07.2021, I have recorded the averments contained in the affidavit dated 30.06.2021 filed by the Hindu Religious and Charitable Endowments Department (HR & CE) to the effect that the temple in question had been brought within the fold of the Department only to ensure its proper management and the safety of the devotees. Objections were called for and received and it was only after due consideration of the same that an order had come to be passed on 25.07.2021 appointing a Fit Person.

6. Ms.Anandagomathi, learned counsel appearing for the petitioner in W.P. No.3755 of 2021 and Mr.Kannan, learned counsel appearing for the petitioner in W.P. No.5278 of 2021 and express concurrence for and their satisfaction with the appointment of a Fit Person for the temple in the fond hope that, that would ensure that the temple is opened and rituals are resumed at the earliest. Let this be done forthwith by the Executive Officer of the Arulmigu Kalyana Varadharaja Perumal Temple, Kaladipettai who has been directed to hold interim charge of the temple in question. With the issuance of the aforesaid direction, nothing survives in these matters any further. The Writ Petitions are closed. Connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

rkp

To

1.The Tahsildar,
Tondiarpet, Chennai.



WEB COPY

2.The Joint Commissioner,
The Hindu Religious and Charitable Endowments
Department, 119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam, Chennai - 600 034.

3.The Revenue Divisional Officer,
Chennai North Division,
Tondiarpet, Chennai

4.The Tahsildar-Cum-Executive Magistrate,
Tondiarpet Taluk, Chennai.

5.The District Registrar,
Registrar of Societies,
Chennai North, Kuralagam, Chennai - 600 108.

6.The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.

+1cc to the Government Pleader, S.R.No.40559

W.P. Nos.3755 & 5278 of 2021
and
WMP. Nos.4285 & 5833 of 2021

SR-II(CO)
CB(02/11/2021)
CB(23/11/2021)