



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.3629 of 2019

S.Kandasamy

...Petitioner

vs.

1. The District Collector,
Tirupur District, Tirupur.
2. The District Revenue Officer,
Tirupur District, Tirupur.
3. The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam High Road,
Chennai 600 034.
4. National Commission for Scheduled Caste,
rep. By its Chairman,
V Floor, Lok Nayak Bhawan,
Khan Market, New Delhi - 3.
5. Alagumalar Arulmighu Kailasa Nathar
Prathosa Vazhipattu Mandapam,
rep. By its Secretary, N.Boopathy Raj,
S/o.S.Natarajamoorthy,
No.4/464, Kulavakattu Thottam,
Alagumalai Vidyalaya School backside,
Aalampalayam, Kandiyankovil Post,
Tirupur South Taluk, Tirupur District.

...Respondents

(R5 impleaded as per order dated 13.08.2019 made in W.M.P.No.20182 of 2019 in W.P.No.3629 of 2019)

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the Respondents 1 to 3 to remove the fence and the gate put up in S.No.558 of Alagumalai Village in Tirupur South Taluk in front of Kailasanathar Temple.

For Petitioner	:	Mr.K.Subburam
For Respondents 1 to 3	:	Mr.M.R.Gokulakrishnan, Government Advocate
For 4 th Respondent	:	No appearance
For 5 th Respondent	:	Mr.P.M.Duraiswamy



O R D E R

Petitioner has come up with this Writ Petition seeking a direction to Respondents 1 to 3 to remove the Fence and the Gate put up in S.No.558 of Alagumalai Village in Tirupur South Taluk in front of Kailasanathar Temple.

2. According to the Petitioner, he is working as a Tailor in a Knit Wear Company in Tirupur and he belongs to Scheduled Caste Community and is living with his family in Alagumalai Village, which is situated 18 kms south of Tirupur. There are about 200 families living in that Village, out of which, about 110 families belonging to Dalit community. Among the Dalit Villagers, some people are eking out their livelihood by working in Knit Wear Companies in Tirupur and others are Agricultural coolies. Most of the houses of Dalit people are situated in Village Natham in S.No.565 of Alagumalai Village. There are about 10 families having houses in Village Natham in S.No.558 of Alagumalai Village and people from other community have built their houses in S.Nos.559 and 563 of Alagumalai Village.

3. It is further stated by the Petitioner that, the land measuring an extent of 2.89 cents in S.No.558 of Alagumalai Village is a Village Natham land. In the said land, a Primary School, one Temple, one drinking water Well, etc. are existing and the people belonging to Dalit community are using the said land as pathway to go to the main road, Post Office, Bus stop, School, etc. Further, the School children are using a part of it as playground and two more bore-wells have been dug in the land to cater to the needs of the Villagers. On the western side of S.No.558, Kailasanathar Temple is existing in S.No.559 of Alagumalai Village and the same is in a dilapidated condition.

4. The case of the Petitioner is that, new Priests who came to Kailasanathar Temple a few years ago, started giving trouble to the people of his Village by saying that, 'Sutras' should not use the pathway near the Temple. Thereafter, people belonging to the Petitioner's Community were prevented from using the pathway near the northern end of the Temple which they have been using for more than 100 years. Hence, the Petitioner and the people of his Village shifted the pathway beyond Mariamman Temple in S.No.558 and the Panchayat laid concrete road for gaining access to their Village. As the Petitioner and his people were prevented from using the pathway in S.No.558 and to that effect, a fence was put up in front of Kailasanathar Temple encircling about 1.75 cents in S.No.558, the Petitioner and the people of his Village made agitations to remove the



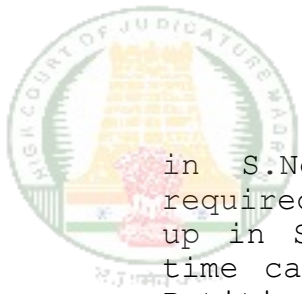
fence of untouchability. Though the Vice-Chairman of the National Commission for Scheduled Caste came to their Village and inspected the fence on 23.11.2018, the very next day, i.e. on 24.11.2018, it was reported in the Newspapers that apart from the fence, a gate will be put up and it will remain open during day time and closed at night. Thereafter, though the fence was removed on 28.01.2019, three gates were put up in the said place. As the Petitioner and the people of his Village are deprived usage of pathway in S.No.558, having no other alternative, he has come up with this Writ Petition.

5. Learned counsel for the Petitioner contended that, the erection of fence and the gate in S.No.558 of Alagumalai Village amounts to practice of untouchability, since the pathway was blocked by fencing. He submitted that, certain private individuals are planning to put up superstructure within the area fenced in front of Kailasanathar Temple in S.No.558 of Alagumalai Village under the direction of the Hindu Religious and Charitable Endowment Department. Hence, the learned counsel prayed for a direction to the Respondents to remove the fence and gate put up in S.No.558 of Alagumalai Village.

6. Learned Government Advocate appearing for the official Respondents submitted that, the Vice-Chairman of the National Commission for Scheduled Caste, New Delhi made a spot inspection of S.No.558 on 23.11.2018 on the alleged discrimination against the Scheduled Caste people of Alagumalai Village and issued recommendations and in compliance to the recommendations of the Commission, gates were fixed on both sides of the pathway around Kailasanathar Temple in S.No.558.

7. It is seen from the recommendations of the Vice-Chairman of the National Commission for Scheduled Caste, New Delhi that, the Temple Authorities and the District Administration were directed to ensure protection of sanctity of the Temple from miscreants by preventing activities like throwing liquor bottles and meat waste inside the pathway of the Temple. It was also recommended that, the Grama Natham land in the Temple and surrounding areas should be protected. Finally, the Vice-Chairman of the Commission has advocated the District Administration to put a sliding gate in the open area where the fence was removed, so as to close the gate in the night hours, thereby preventing entry of miscreants into the Temple.

8. As the Vice-Chairman of the National Commission for Scheduled Caste, New Delhi has issued recommendations on the issue in question and has also advocated the District Administration to put a sliding gate where the fence was removed



in S.No.558 of Alagumalai Village, no further orders are required in this Writ Petition. Also, the fact that, gates put up in S.No.558 of Alagumalai Village are kept open during day time cannot be lost sight of. In view of the same, this Writ Petition is closed. No costs. Consequently, connected W.M.P.No.3972 of 2019 is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The District Collector,
Tirupur District, Tirupur.
2. The District Revenue Officer,
Tirupur District, Tirupur.
3. The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam High Road,
Chennai 600 034.
4. The Chairman,
National Commission for Scheduled Caste,
V Floor, Lok Nayak Bhawan,
Khan Market, New Delhi - 3.

+lcc to the Government Pleader, S.R.No.58022

+lcc to M/s.B.Sudhir Kumar, Advocate, S.R.No.57777

W.P.No.3629 of 2019

SJ(CO)
KKV/14/12/2021