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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.4596 OF 2021

P.Mani

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Sangagiri,
Salem District.

2.The Tahsildar,
Sangagiri Taluk,
Sangagiri,
Salem District.

3.Thambi @ Pacha Gounder

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st Respondent to take necessary action against the 3rd Respondent and implement the order passed by the 1st Respondent in his proceedings Na.Ka.No.1862/2017(C), dated 09.05.2018.

For Petitioner : Mr.C.Prakasam

For Respondents 1 & 2 : Mrs.C.Sangamithirai,
Special Government Pleader

For 3rd Respondent : Mr.R.Marudhachalamurthy

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the 1st Respondent to take necessary action against the 3rd Respondent and implement the order passed by the 1st Respondent vide proceedings Na.Ka.No.1862/2017(C), dated 09.05.2018.

2. It is stated by the Petitioner that, there is a community Temple viz. Sri Thadikkara Swamy Temple situated at Adappu Street, Agraharam Village, Kaveripatti, Sangagiri Taluk, Salem



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District and that, the deity of the said Temple is the family deity of 700 families of Vanniyar community. In respect of conducting poojas and administering the Temple, a dispute arose between the sons of Pacha Gounder and the said dispute was referred to the 2nd Respondent on 17.07.2017. In turn, the 2nd Respondent conducted enquiry on 31.01.2017, 07.08.2017 and 18.08.2017 and finally, passed orders on 24.08.2017, holding that, rights to conduct Pooja and administer the Temple will change in rotation once in two years, beginning from the 18th of Tamil month 'Adi'. As per the said order, the first right of rotation was given to the Petitioner's father Palaniappan; after two years, the 3rd Respondent will take charge and thereafter, the legal heirs of Kuppan and Pachaiyannan will take over the rights. The 2nd Respondent also held that, whenever the period of rotation is over, rights of conducting Pooja and administering the Temple should be handed over to the next successor.

3. As the 3rd Respondent and one legal heir of Kuppan and Pachaiyannan were not inclined to obey the said order of the 2nd Respondent, the Petitioner approached the 1st Respondent by filing an Appeal on 19.10.2017. In turn, the 1st Respondent conducted an enquiry, calling upon all parties and passed orders on 09.05.2018, thereby modifying the order passed by the 2nd Respondent with regard to the rotation period, i.e. from two years to one year.

4. As the 3rd Respondent was not inclined to obey the order passed by the 1st Respondent, the Petitioner filed a Suit in O.S.No.88 of 2019 praying for a direction to the 3rd Respondent and others to implement the order passed by the 1st and 2nd Respondents and sought permanent injunction that, the 3rd Respondent should not interfere with his rights. During the pendency of the Suit, the 3rd Respondent approached the Petitioner to settle the dispute by way of a compromise. Accordingly, the matter was referred to Lok Adalat and a Compromise Memo was filed, wherein, the 3rd Respondent agreed that, he would follow the order passed by the 1st Respondent and a decree to that effect was passed by the District Munsif Court, Sangagiri. Thereafter, when the Petitioner approached the 3rd Respondent to hand over the Temple administration and Pooja rights, the latter refused to do so. Hence, once again, the Petitioner approached the 1st Respondent and made a representation on 04.01.2021, with a request to pass necessary orders to implement the order dated 09.05.2018 passed by the 1st Respondent. As the said representation is pending consideration, having no other alternative, the Petitioner is before this Court by way of the present Writ Petition.

5. Learned counsel for the Petitioner submitted that, this Court may issue a direction to the 1st Respondent to implement



their order dated 09.05.2018, within a stipulated period.

6. Learned counsel appearing for the 3rd Respondent submitted that, the order dated 09.05.2018 passed by the 1st Respondent has already been implemented. However, he has serious objection to the subsequent modification of the 2nd Respondent's order dated 24.08.2017 by the 1st Respondent/Revenue Divisional Officer, Sangagiri Taluk, Salem District, on 09.05.2018.

7. Heard the learned counsel on either side and perused the material documents available on record.

8. Taking note of the submissions of the learned counsel on either side and considering the facts and circumstances of the case, this Court directs the 1st Respondent to implement their order vide Na.Ka.No.1862/2017(C), dated 09.05.2018, if there is no legal impediment, within a period of four weeks from the date of receipt of a copy of this order, if not already implemented, after giving an opportunity of hearing to the parties concerned.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

(aeb)

To:

1.The Revenue Divisional Officer,
Sangagiri, Salem District.

2.The Tahsildar,
Sangagiri Taluk,
Sangagiri, Salem District.

+1cc to Mr.R.Marudhachalamurthy, Advocate Sr.No.62896

+1cc to Mr.C.Prakasam, Advocate Sr.No.63204

+1cc to the Government Pleader Sr.No.62987

W.P.No.4596 of 2021

GPL(CO)

RVM(28/02/2022)