



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P. No. 5144 of 2013

K. Palanisamy

...Petitioner

Versus

- 1.The Commissioner
Hindu Religious and Charitable
Endowment Department,
Nungambakkam, Chennai.
- 2.The Asst. Commissioner,
Hindu Religious and Charitable
Endowment Department
Salem-7.
- 3.The Inspector,
Hindu Religious and Charitable
Endowment Department,
Omalur, Salem-7.
- 4.The Superintendent of Police,
District Police Head Quarters,
Salem.
- 5.The Tahsildar
Omalur, Salem.
- 6.The Inspector of Police,
Deevattipatti Police Station
Salem.
- 7.The Trustee-cum Pujari,
Sri Pidariamman and Mariamman
Temple, Bommiyampatti Village,
Omalur Taluk, Salem District.

...Respondents

Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to open Sri Mariyamman Temple, Bommiyampatti Village, Omalur Taluk and Salem District and permit all the citizens to worship the God as contemplated under Section 3 of the Tamilnadu Temply Entry Authorisation Act, 1947.



For Petitioner : Mr. P.Vijendran
For Respondents : Mr. Stalin Abhimanyu,
Govt. Advocate for R1 to R6.

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O R D E R

The petitioner herein is a resident of Bommiampatti Village. According to him, he belongs to Dalit Community. He has come forward with this writ petition praying to issue a Mandamus directing the respondents to open Sri Mariyamman Temple, Bommiampatti Village, Omalur Taluk and Salem District and permit all the citizens to worship the God as contemplated under Section 3 of the Tamilnadu Temply Entry Authorisation Act, 1947.

2. According to the petitioner, Bommiampatti Village is having population of more than 3000 people consisting of residents belonging to various communities. In the village, there exist a temple namely Sri Mariyamman Temple maintained by the 6th respondent herein. The said temple was closed due to dispute between the caste Hindus and Dalits with respect to right of entry. According to the petitioner, the Dalit people in the Village were not permitted to enter the temple and to offer prayers, however, the caste Hindus were permitted to do so. Therefore, the petitioner along with Dalit members approached the 5th and 6th respondents to open the temple and permit them to worship the God, but they refused to do so. While so, the 7th respondent filed WP. No. 14233 of 2011 seeking for a Mandamus to open the temple and permit them to worship the God. By order dated 11.8.2011, this Court disposed of WP No. 14233 of 2011 with a direction to the concerned Tahsildar to consider the representation of the petitioner therein in accordance with law. Thereafter the Village Caste Hindus convened a meeting and resolved to open the temple, however, no Dalit member was called upon to have a discussion in the meeting. In this context, the petitioner made a representation dated 18.2.2013 requesting the respondents to open the temple and permit the Dalit Villagers to enter into the temple to worship the God. As there is no response to such representation of the petitioner, the present writ petition is filed.

3. The learned Govt. Advocate appearing for the respondents, on the other hand, submitted that due to simmering dispute between the caste Hindus and Dalits, the temple, which was under the administrative control of the Hindu Religious and Charitable Endowment Department was kept locked. The peace committee meeting conducted by the revenue officials also did not put an end to the rival dispute. At the same, time, the learned Government Advocate submitted that the representation dated 18.02.2013 submitted by the petitioner will be considered by the respondents 2 to 6 after affording an opportunity of hearing to all the parties concerned.



4. In view of the above submission made by the learned Govt. Advocate, the respondents 2 to 6 are directed to take note of the grievances expressed by the petitioner in the representation dated 18.02.2013, afford an opportunity of hearing to the petitioner and other persons interested in the claim made by the petitioner and to pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

msr/rsh

To

- 1.The Commissioner
Hindu Religious and Charitable
Endowment Department,
Nungambakkam, Chennai.
- 2.The Asst. Commissioner,
Hindu Religious and Charitable
Endowment Department
Salem-7.
- 3.The Inspector,
Hindu Religious and Charitable
Endowment Department,
Omalur, Salem-7.
- 4.The Superintendent of Police,
District Police Head Quarters,
Salem.
- 5.The Tahsildar
Omalur, Salem.
- 6.The Inspector of Police,
Deevattipatti Police Station
Salem.

+1cc to Mr.P.Vijendran, Advocate SR.No.31773
+1cc to the Government Pleader SR.No.32002

W.P. No. 5144 of 2013

AJS(CO)
RVM(26/08/2021)