



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

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THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.No.28462 of 2018 &
WMP.Nos.33198, 33201 & 33204 of 2018

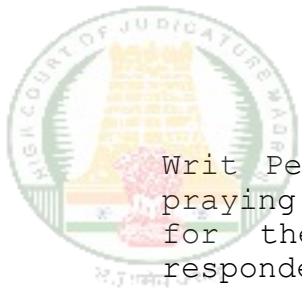
Sri Grama Devatha Kottai Mariyamma
Temple Development and Car Festival
Trust, represented by its President/Trustee
B.R. Muralikumar,
No.3/421, Gollapettai,
Bagalur, Hosur Taluk,
Krishnagiri District

.. Petitioner

Vs.

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
3. The Sub-Divisional Executive
Magistrate cum The Sub-Collector,
Hosur, Krishnagiri District.
4. The Tahsildar,
Hosur Taluk, Krishnagiri District.
5. Appaji Shetty
6. Jayaraman
7. Ravikumar
8. Krishnappa
9. Manjunath Chetty
10. Chinna Venkatramanappa
11. Pradeep
12. Abbaiah Naidu
13. Venkatram
14. Sathyanarayanan
15. Muniraj

.. Respondents



Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the 3rd respondent in V.No.41/2018 (B1) dated 27.09.2018 and quash the same as illegal, incompetent and ultravires and consequently forbearing the respondents from interfering with the construction of Sri Grama Devatha Kottai Mariyamma Temple in S.No.300, Bagalur Village, Hosur Taluk, Krishnagiri District by the petitioner trust by considering the petitioner's representation dated 26.04.2018 .

For Petitioner : Mr.R. Jayaprakash

For Respondents : Mr. Stalin Abhimanyu, Govt. Advocate
for R1 to R4
Mr. E.Omprakash, Sr. Counsel
for Mr.R.Ezhilarasan for R5 to R15

O R D E R

Heard all the parties and perused the materials available on record.

2.The prayer made in this writ petition is to issue a writ of certiorarified mandamus, calling for the records pertaining to the proceedings dated 27.09.2018 passed by the 3rd respondent and quash the same and consequently forbearing the respondents from interfering with the construction of Sri Grama Devatha Kottai Mariyamma Temple situated in S.No.300, Bagalur Village, Hosur Taluk, Krishnagiri District by the petitioner trust by considering their representation dated 26.04.2018.

3.According to the petitioner, the subject temple is a private temple and is in existence for more than 300 years. The villagers, in order to construct a temple, formed a trust called Sri Grama Devatha Kottai Mariyamma Temple Development and Car Festival Trust i.e., petitioner trust, by a registered trust deed dated 01.12.2017. The petitioner trust spent huge amount in developing the temple, which was in finishing stage. However, in view of the obstruction created by the respondents 5 to 15, the construction was yet to be completed. While so, in the year 2018, temple festival was conducted, during which, the private respondents created a ruckus and as a result of the same, a case in Crime No.79 of 2018 was registered by the Inspector of Police, Bagalur Police Station under Section 107 Cr.P.C. Consequently, the third respondent passed an order directing the respondents 5 to 15 to do the construction activity, by the proceedings impugned herein. Feeling aggrieved, the petitioner trust has come up with this writ petition for the aforesaid relief.



4. Upon notice, the third respondent filed a detailed counter affidavit, wherein it is stated inter alia that due to frequent quarrel among two rival groups over the conduct of temple festival, the Inspector of Police, Bagalur registered FIR No.79 of 2018 under section 107 Cr.P.C and sent a report to this respondent, for taking appropriate action. Since both the parties claimed right over the subject temple and quarreled among themselves, proceedings under section 145 Cr.P.C was initiated in order to avoid law and order problem. In the enquiry, it unfolded that the President of the petitioner trust was not an actual President and he acquired the said capacity by virtue of his wife as Village President. There was serious allegation about misappropriation of temple funds against him and all the villagers were against him. The respondents 5 to 15 were stated to be the actual care taker and original trustees of the subject temple. Therefore, the proceedings impugned herein came to be passed by this respondent.

5. On 16.03.2020, when the matter was taken up for consideration, this Court appointed an Advocate Commissioner to visit the subject temple, conduct enquiry with the villagers and file a report as regards the grievance of the villagers, if any, through whom and whose control, the administration of the temple is vested and the festival is to be conducted, verifying the construction of temple and expenses incurred. Accordingly, the Advocate Commissioner submitted his report on 13.03.2020, wherein it is stated that though some records were available for creation of the petitioner trust for administration of the subject temple, no proper records were maintained from the year 2000 and the same was also kept under audit objection in the year 2019. Except the private respondents (B party), no other person is able to produce any material with regard to the maintenance of the temple. The said report further proceeds to state that till the commencement of the construction of the temple, there was no dispute and after commencement, the donations collected in that regard from the general public were not properly accounted, which caused the stoppage of the temple construction.

6. Such being the factual matrix, this Court is of the view that the order, which is impugned in this writ petition, does not call for any interference, since the dispute between the two parties is more of civil in nature. Hence, they can approach the competent civil court to establish their right, based on the materials available with them. The civil court, while considering the same, shall take into consideration the report filed by the Advocate Commissioner in this writ petition. Till the civil court decides the issue, both the parties shall maintain status quo as on date. However, it is made clear that if any one involves in any untoward incident, it is always open to the respondent authorities to take appropriate action in the manner known to



law.

7. Accordingly, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CJ CONF)

//True Copy//

Sub Assistant Registrar

msr

To

1. The District Collector,
Krishnagiri District, Krishnagiri.
2. The District Revenue Officer,
Krishnagiri District, Krishnagiri.
3. The Sub-Divisional Executive
Magistrate cum The Sub-Collector,
Hosur, Krishnagiri District.
4. The Tahsildar,
Hosur Taluk, Krishnagiri District.

+1cc to Mr.R.Ezhilarasan, Advocate, S.R.No.31756
+1cc to Mr.R. Jayaprakash, Advocate, S.R.No.31804
+1cc to the Government Pleader, S.R.No.32016

W.P.No.28462 of 2018 &
WMP.Nos.33198, 33201 & 33204 of 2018

SR-II(CO)
CT(26/08/2021)