



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2144 of 2021

and

W.M.P.(MD)No.1796 of 2021

WEB COPY

A.Thangapandiyan

... Petitioner

-Vs-

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thiruvanaikaval,
Trichy District.

2.The Executive Officer,
Arulmigu Mariamman Thirukovil,
Manaparai,
Trichy District.

3.R.V.S.Veeramani ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from disturbing the petitioner in discharging his duty as Poojari in Arulmigu Kattu Muniyappan Temple, Manaparai, Trichy.

For Petitioner	: Mr.M.Suresh
For R1 & R2	: Mr.K.P.Narayanakumar
	Special Government Pleader
For R3	: Mr.K.Govindarajan

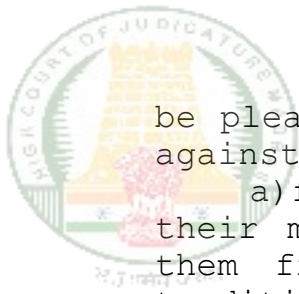
ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 & R2 and the learned counsel appearing for R3.

2.The petitioner states that he was appointed as Poojari of the third respondent Temple in the year 2010. According to him, the third respondent is interfering with his discharge of duty. He wants this Court to restrain the third respondent from doing so.

3.When the matter was taken up for hearing, the learned counsel for the third respondent as well as the learned Special Government Pleader for the first and second respondent brought to my notice that the petitioner has already filed O.S.No.63 of 2020 on the file of the Sub Court, Manapparai seeking the very same relief. The copy of the plaint has also been made available. The prayer in the suit reads as follows:-

"7.It is, therefore, prayed that this Hon'ble Court may



be pleased to pass decree and Judgment in favour of plaintiff against the defendant:-

a)for permanent injunction restraining the defendants, their men, agents and all persons claiming through or under them from interfering with the plaintiff's performing his traditional duties as hereditary poosari of the suit temple under guise of dissuading the plaintiff from functioning as hereditary poosari of suit temple or in any manner whatsoever;

b)for cost of the suit;

c)and for such other and further relief as this Hon'ble Court may deem fit and proper in the nature and circumstances of the case."

4.The prayer in the writ petition is identical. As rightly pointed out by the learned counsel for the respondents, the petitioner has not whispered about the filing of the suit in the affidavit filed in support of the writ petition. The writ petition suffers from suppression of material fact.

5.The petitioner's counsel states that he was not aware of the institution of the suit.

6.I am not casting any blame on the learned counsel. When the suppression is material, the writ Court has to necessarily nonsuit the petitioner. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thiruvanaikaval,
Trichy District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Executive Officer,
Arulmigu Mariamman Thirukovil,
Manaparai,
Trichy District.

+1 CC to M/s.GP (SR-4254[F] dated 10/02/2021)

W.P.(MD)No.2144 of 2021
08.02.2021

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