



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.03.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P. (MD) No.6279 of 2021

WEB COPY

P.Lakshmanan Represented through
his power agents

1.S.Annamalai

2.M.Thanneermalai

.. Petitioners

Vs

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Sivagangai District.

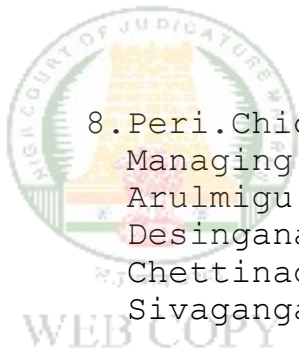
3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Paramakudi,
Ramanathapuram District.

4.The Superintendent of Police,
Sivagangai District.

5.The Deputy Superintendent of Police,
Karaikudi,
Sivagangai District.

6.The Inspector of Police,
Chettinadu Police Station,
Sivagangai District.

7.VR.CT.Veerappan
Managing Trustee,
Arulmigu Avudainayagi Ambal Sametha
Desinganathaswamy temple,poovandipatti,
Chettinadu post,Karaikudi Taluk,
Sivagangai District.



8.Peri.Chidhambaram
Managing Trustee,
Arulmigu Avudainayagi Ambal Sametha
Desinganathaswamy temple,poovandipatti,
Chettinadu post,Karaikudi Taluk,
Sivagangai District.

9.Muthu Chettiar

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents No.1 to 6 not to give permission to the respondents No.7 and 8 for conducting General Body Meeting to be held on 21.03.2021 to discuss about the properties of Arulmigu Avudainayagi Ambal Sametha Desinganathaswamy Temple, Nagara Soorakudy, Poovandipatti, Chettinadu, Sivagangai District and further directing the respondents No.1 to 3 to monitor the Respondents No.7 and 8 from dealing with the properties of the Temple by considering the Petitioners representation dated 08.03.2021.

For Petitioner : Mr.R.Balakrishnan

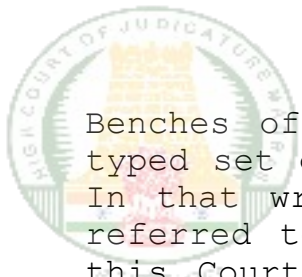
For R1 to R6 : Mr.K.P.Narayanakumar
Special Government Pleader

ORDER

The first and second petitioners are the power agents of one P.Lakshmanan. According to these petitioners, the principal, the said P.Lakshmanan being one of the hereditary trustees had been taking efforts to recover the properties belonging to Arulmigu Avudainayagi Ambal Sametha Desinganathaswamy Temple, NagaraSoorakudy, Poovandipatti, Chettinadu, Sivagangai District. According to these petitioners, the respondents 7 and 8, claiming themselves to be the managing trustees have convened a General Body Meeting on 21.03.2021 to discuss about the property of the temple and in that General Body Meeting they may take decisions to help the encroachers to stay on the property despite the direction/order of this Court in W.P.(MD) No.14428 of 2017. Therefore, the petitioners submitted representations requesting the official respondents from monitoring the activities of the respondents 7 and 8 and the action having not been taken, the petitioner is before this Court.

2.This Court is unable to understand what is the actual grievance of the petitioners, as the Court finds that there is absolutely no cause of action for the petitioners to come up with this writ petition for a mandamus prayer. In regard to the affairs of the temple, already there is a direction by this Court on 12.02.2018 in W.P.(MD) No.14428 of 2017, directing the authorities to recover the lands belonging to the temple from the encroachers.

3.This Court also finds that there are directions by Division



Benches of this Court and one such order is also enclosed in the typed set of documents dated 27.07.2018 in W.A.(MD) No.996 of 2018. In that writ appeal order, another Division Bench order has been referred to W.A.(MD) No.651 of 2018. When there are directions of this Court to cover the subject matter of dispute, this Court is unable to appreciate what is the *locus standi* of these petitioners to claim themselves to be the power agents of one P.Lakshmanan.

4.This Court is not inclined to entertain this writ petition even for a second for the reason that the writ petition is lacking in *bona fides*, as the interests of the petitioners have not been affected at all. Moreover, what is the *locus standi* of these petitioners is also not explained satisfactorily by these petitioners in this writ petition.

5.From the entirety of averments, this Court can come to the conclusion that a private dispute between the petitioners and the respondents 7 and 8 have been brought into the realm of public law remedy and this is a clear attempt by the petitioners to settle their personal dispute as against the private respondents. This Court would certainly not lend its constitutional jurisdiction to a private dispute and in that view of the matter, the writ petition has to be rejected outright as being not maintainable.

6.Therefore the writ petition stands dismissed with the cost of Rs.5,000/- payable to the Hon'ble Chief Minister COVID-19 Relief Fund, by the petitioners within a period of two weeks from the date of receipt of a copy of this order. The copy of the order shall be marked to the District Collector, Karaikudi, and the Collector in the event of the petitioners not paying the cost within the time stipulated shall initiate proceedings under Revenue Recovery Act, and recover the amount and deposit the same as directed above. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai.



2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Sivagangai District.

3.The Assistant Commissioner,
Hindu Religious and Charitable
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4.The Superintendent of Police,
Sivagangai District.

5.The Deputy Superintendent of Police,
Karaikudi,
Sivagangai District.

6.The Inspector of Police,
Chettinadu Police Station,
Sivagangai District.

7.Section Officer,
Account Section,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

8.The District Collector,
Karaikudi District,
Karaikudi.

+1 CC to M/s.SPL GP (SR-12770[F] dated 22/03/2021)

+1 CC to M/s.R.BALAKRISHNAN, Advocate (SR-13133[F] dated 23/03/2021)

W.P. (MD)No.6279 of 2021
19.03.2021

RK (30.04.2021) 4P 10C