



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.11.2021**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A(MD)NO.2116 OF 2021

and

C.M.P(MD)No.9818 of 2021

K.Radhakrishnan @ Moorthy

:Appellant/Third Respondent

.vs.

1.T.Balan

2.A.Narasimman

3.A.Rajasimman

:Respondents 1 to 3/Petitioners

4.The Tahsildar,
Dindigul East Taluk,
Dindigul District.

5.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.

:Respondents 4 and 5/

Respondents 1 &2

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.13234 of 2019, dated 6.7.2021.

Prayer in WP(MD) . 13234/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified mandamus to call for the impugned order passed by the 1st respondent in Na.Ka.No.7/2019/A1, dated 30.05.2019 and to quash the same as illegal as far as not permitting the petitioners to fix the name board of the temple Shri Kathir Narasinga Perumal Kovil, V.Mettupatti in the temple locality.

For Appellant : Mr.T.Selvan

For Respondents : Mr.M.Siddharthan

3 and 4

Addl.Govt.Pleader

**JUDGMENT**

[Judgment of the Court was made by **PUSHPA SATHYANARAYANA, J.**]

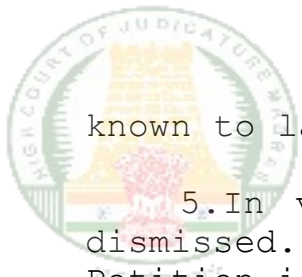
This Writ Appeal is directed against the order of the learned Single Judge in W.P(MD)No.13234 of 2019, dated 6.7.2021.

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2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.In the Writ Petition, the proceedings of the Peace Committee Meeting, dated 30.05.2019 was challenged. There was a dispute between the two factions with respect to the name of the temple in Dindigul District. According to the Writ Petitioners, the name of the temple should be Sri Kathir Narasinga Perumal Temple, V.Mettupatti whereas, the appellant, who was the third respondent in the Writ Petition, states that the name of the temple should be Sri Kathir Narasinga Perumal Koil, V.Kovilpatti. Even in the Peace Committee Meeting, both the parties could not come to a consensus. The parties were directed to get the dispute resolved in a Court of Law. Till such time, the existing name ie., Sri Kathir Narasinga Perumal Kovil, V.Mettupatti should continue. The Writ Court has also found that the temple in question is a non-listed temple under the control of the HR and CE Department. The Deputy Commissioner of HR & CE, Madurai has named the temple as Sri Kathir Narasingaperumal Kovil, V. Mettupatti and the said name is in existence right from the year 1960 onwards. In all the registers also, the same name has been mentioned. Once the temple is under the control of the HR & CE Department, the name given by the authorities would continue. Therefore, the learned Single Judge had quashed the proceedings of the Peace Committee Meeting and directed to restore the name board of the temple as Sri Kathir Narasingaperumal Kovil, V.Mettupatti. The appellant before us is challenging the said order stating that once if the village name is mentioned as V.Mettupatti in the name board, the Kovilpatti people are not allowed to worship in the temple. We see no such argument addressed before the learned Single Judge. The allegation that V.Kovilpatti village people are being ex-communicated because of the change in the name is also not proved. The learned counsel for the appellant would contend that he was not given an opportunity to file counter and his arguments were not extracted in the order. If that is so, he could have preferred a Review Petition before the learned Single Judge. Even in the appeal also, the learned counsel has not pressed into service any document to show that the temple is really named as V.Kovilpatti and the same should continue.

4.As the temple is under the control of HR and CE Department, the respondent is directed to ensure that both the factions are allowed to worship in the said temple peacefully, till such time they resolve their respective rights in the manner



known to law.

5. In view of the above discussion, the Writ Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vsn

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 Tahsildar,
Dindigul East Taluk,
Dindigul District.

2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.

+1 CC to M/s.K.R. LAXMAN, Advocate (SR-36166[F] dated
26/11/2021)

+1 CC to M/s.SPL GP (SR-36061[F] dated 26/11/2021)

**JUDGMENT MADE IN
W.A (MD) NO.2116 OF 2021
and
C.M.P (MD) No.9818 of 2021
24.11.2021**

TSK (CO)

SB(30.12.2021) 3P 5C