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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.2605 OF 2021

G.Anbalagan

... Petitioner

Vs.

1. The District Collector,
Namakkal District,
Namakkal - 637 001.
2. The Commissioner,
Hindu Religious and Charitable Endowments
Department,
No.116, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 34.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department,
Near Anjaneyar Temple,
Namakkal - 637 001.

... Respondents

Prayer:

Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned proceedings having Na.Ka.No.2417/2020/A4/dated 17.09.2020 issued by the 3rd respondent herein wherein the direction was given to the 1st respondent and to the superintendent of police to conduct the peace committee to resolve the dispute between two communities and quash the same and further direct the 3rd respondent to take over the administrative control of Pullayi Mayilayi.

For Petitioner : Ms.A.S.Neela Narayani for
Mr.K.Sahithya

For Respondents: Mr.N.R.R.Arun Natarajan
Special Government Pleader



ORDER

The petitioner has filed this writ petition for a writ of Certiorarified Mandamus to quash the impugned proceedings bearing Ref.No.Na.Ka.No.2417/2020/A4 dated 17.09.2020 issued by the 3rd respondent herein wherein the direction was given to the 1st respondent and to the superintendent of police to conduct the peace committee to resolve the dispute between two communities and to quash the same and further direct the 3rd respondent to take over the administrative control of Pullayi Mayilayi.

2. The case of the petitioner appears to be that one of the community is dominating and ensuring that the members of other community to which the petitioner belongs are not allowed to worship in the temple. It is therefore submitted a peace committee was proposed however no steps have been taken thereafter.

3. The learned Special Government Pleader for the respondents on the other hand would submit that on 25.02.2021 and 27.02.2021 a peace committee was held, pursuant to an order dated 20.04.2021. Thereafter, the District Collector adjourned the meeting on the ground O.S.No.180 of 2018 was pending before the District Munsif, Namakkal and submits that no decision can be taken for the present.

4. The facts on record seems to be indicate the temple is situated in S.No.190/3, 190/1 which is a Government Poramboke land. The temple appears to have been built out of the contribution of the public and is now being controlled by the member of a particular community who are dominating. The places of worship cannot be used to discriminate between the members of different communities, particularly, when all the communities are equally at the door of the temple.

5. Considering the above, I am inclined to dispose this writ petition by directing the 2nd and 3rd respondents to take necessary steps to take over the management of the temple and to ensure that no discrimination is practiced inside the premises of the said temple. This exercise shall be carried out by the 2nd and 3rd respondent within a period of eight weeks from the date of receipt of a copy of this order.



6. This writ petition stands disposed of with the above direction. No costs.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Namakkal District,
Namakkal - 637 001.
2. The Commissioner,
Hindu Religious and Charitable Endowments
Department,
No.116, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 34.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department,
Near Anjaneyar Temple,
Namakkal - 637 001.

+1cc to Ms.A.S.Neela Narayani, Advocate, S.R.No.33476
+1cc to the Government Pleader, S.R.No.34535
+1cc to the Special Government Pleader(HR & CE), S.R.No.34139

W.P.No.2605 of 2021

PL(CO)
PM/23/06/2022