

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.O.P.NO.7362 OF 2019

AND

CRL.M.P.NO.4100 OF 2019

Muneeswaran Thirukoil Trust,
Nallalam (Registered),
Rep. by its Managing Trustee,
Mr.M.A.Balakrishnan.

... Petitioner

.Vs.

1. The Revenue Divisional Officer-cum-
First Class Executive Magistrate,
Cheyyar, Thiruvannamalai District.
2. The Inspector of Police,
Cheyyar Police Station,
Cheyyar Taluk,
Tiruvannamalai District.
3. The Sub Inspector of Police,
Anakkavoor Police Station,
Cheyyar Taluk,
Tiruvannamalai District.
4. The Tahsildar,
Vandavasi.
5. Vedapuri
6. Seethapathy
7. Perumal
8. Prakash
9. Muniappan
10. Thanikachalam

... Respondents

PRAYER:-

Criminal Original Petition is filed under section 482 of CR.P.C., to set aside the order in MC.No.A3/20/2018 dated 03.12.2018 passed by the first respondent herein.

For Petitioner : Mr.P.Subramanian

For Respondents : Mr.N.S.Suganthan
Government Advocate
(Criminal Side)
For R1 to R4

No Appearance
For R5 to R10

O R D E R

This petition is filed to set aside the order in M.C.No.A3/20/2018 dated 03.12.2018 passed by the first respondent herein.

2. A small temple constructed in Government Mandaveli poramboke in S.No.123/14 with an extent of 0.23.0 acres at Chittamur Village at Cheyyar Taluk being the core of the dispute between two groups, claiming right over the administration of the said temple.

3. The petitioner herein one Mr.Balakrishnan claiming himself as Managing Trustee of the said temple had come to this Court, challenging the order passed by Revenue Divisional Officer, directing the Tahsildar to conduct peace meet and nominate one among the villagers for administering the said temple. This order came to be passed on 03.12.2018 after considering the fact that two groups, one led by Muthu son of Arumugam and Vedapuri son of Kannan were fighting over the administration of the said temple.

3(i). This petitioner herein claiming that the temple has been hereditarily administered by his family members. The temple was locked illegally by the rival group which has led to law and order problem. Complaint was registered before the police and thereafter, under Section 107 Cr.P.C., the impugned order was passed which is pursuant to the direction of the Hon'ble High Court in W.P.No.32436 of 2018. However, the said order directing the Tahsildar to convene peace meeting of villagers and select a person from the Village to administer the said temple is against the petitioner's right under Article 25 of the Constitution of India to administer and maintain

religious temple. The impugned order amounts to interference with the petitioner's right and freedom to administer the said temple.

4. This Court from the records notice that the temple is in the Government land and not owned by this petitioner. In fact this petitioner is not even a resident of that village. Admittedly, he is residing in Chennai but he claims that the temple is owned by him and administered by his family member hereditarily and he is the Managing Trusee of the said temple.

5. This Court hold that any place of worship established in the Government land. Without permission, if it causes disturbance to the public peace and tranquility, revenue authorities have every right to interfere.

6. Presently, as per the status report filed by the first respondent, the said temple is open for public worship without any hindrance and not under the control of either of the disputing parties that is 'A' Party led by Muthu or the 'B' party led by Vedapuri.

7. In the said circumstances, this Court finds that the petitioner herein cannot question the action of Revenue Divisional Officer who was directed by the High Court to convene peace committee meeting in the Village. If he had any right, he could have participated in the meeting and putforth his right and grievance. Instead he has approached this Court.

8. Be that as it may, presently the status report filed by the Revenue Divisional Officer indicates that villagers have made their own arrangement for carry on their worship of the temple and the arrangement has restored peace in the village.

9. In the said circumstances, this Court recording the present status of the administration of the temple as found in the status report filed by the first respondent dated 27.06.2022, close this criminal original petition. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Revenue Divisional Officer-cum-
First Class Executive Magistrate,
Cheyyar, Thiruvannamalai District.
2. The Inspector of Police,
Cheyyar Police Station,
Cheyyar Taluk,
Tiruvannamalai District.
3. The Sub Inspector of Police,
Anakkavoor Police Station,
Cheyyar Taluk,
Tiruvannamalai District.
4. The Tahsildar,
Vandavasi.

+1cc to Mr.P.Subramanian, Advocate, S.R.No.39592

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CRL.M.P.NO.4100 OF 2019

GPL(CO)
PBS/25/07/2022