



W.P.No.32717 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.32717 of 2022

Anbalagan

...Petitioner

Vs.

1.The Commissioner
Hindu Religious and Charitable Endowments
Department
No.116, Uthamar Gandhi Salai
Nungambakkam
Chennai-600 014

2.The Assistant Commissioner
Hindu Religious and Charitable Endowments
Department
Collectorate Backside
Namakkal-637 001

3.The District Collector
O/o The Collectorate
Tiruchengode Road
Namakkal-637 001

4.The Revenue Divisional Officer
O/o The Revenue Divisional Officer
Mohanoor road
Namakkal-637 001



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5. The District Revenue Officer
O/o the Collectorate
Tiruchengode road
Namakkal-637 001

6. The Superintendent of Police
Tiruchengodu road
Namakkal-637 001

7. The Deputy Superintendent of Police
Paramathi road
Namakkal-637 001

8. The Inspector of Police
Puduchatram Police Station
Namakkal Dist-637 018

9. The Tahsildar
Mohanoor road
Namakkal Dist-637 001

10. The Village Administrative Officer
Kalyani Village
Namakkal Dist-637 018

11. Mr. Anbalagan ... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus calling for the records of the 2nd respondents in Na.Ka.No.3853/2022/A3 dated 09.11.2022 and quash the same and consequently directing the respondents in particularly the 1st and 2nd respondents to take the control of the temple as already ordered by this Court in W.P.No.2605/2021 dated 09.06.2021 along with 52 cents of Temple land and give the festival permission with Police protection on the basis of written representation of the petitioner dated



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14.09.2022 and save the right of the worship governed by the Constitution of India.

For Petitioner : Mr.G.Anbalagan.
Party-in-person

For Respondents : Mr.M.Rajendran, AGP
(HR&CE) for R1 and 2

MR.S.Rajesh,G.A for R3 to 10

ORDER

Writ petition is filed seeking to call for the records of the 2nd respondents in Na.Ka.No.3853/2022/A3 dated 09.11.2022 and quash the same and consequently directing the respondents in particularly the 1st and 2nd respondents to take the control of the temple as already ordered by this Court in W.P.No.2605/2021 dated 09.06.2021 along with 52 cents of Temple land and give the festival permission with Police protection on the basis of written representation of the petitioner dated 14.09.2022 and save the right of the worship.

2. It is the case of the writ petitioner that the petitioner has already filed a writ petition in W.P.No.2605 of 2021, wherein this Court has directed the respondents 2 and 3 to take necessary steps to take over the



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management of the temple and ensure that no discrimination is practiced inside the premises of the said temple. The above order has been communicated. However, the respondents 1 and 2 have not taken any steps. Therefore, it is his contention that there is discrimination on the part of the other side. Therefore, seeks a direction.

3. The respondents filed a report wherein it is stated that pursuant to the order of this Court in W.P.No.2605 of 2021, already steps have been taken to declare the temple as religious institution and the proceedings are pending before them. That apart, there is dispute between two groups and the appeal in A.S.No.80 of 2022 is also pending on the file of Subordinate Court, Namakkal. That apart when the law and order issue arose proceedings under Sec. 107 Cr.P.C are been initiated and the orders have been passed. Till the rights have been adjudicated in the Civil Suit, the festivals in the temple have been prohibited as the same would cause law and order problem.

4. On perusal of the report and the contention of the petitioner, though petitioner's main grievance appears to be that there is a



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discrimination that particular community is not been allowed inside the temple, it is relevant to note that proceedings were initiated under the Hindu Religious and Charitable Endowments Act to declare the temple as religious institution as per the Act and the same is pending, further A.S.No.80 of 2022 is also pending on the file of the Subordinate Court, Namakkal and proceedings under Sec. 107 Cr.P.C also initiated to prevent the law and order issue.

5. In such view of the matter, at this stage, there cannot be a blanket direction to the respondents 1 and 2 to take action as per the Hindu Religious and Charitable Endowments Act to take control of the institution expeditiously. Since the dispute appears between two groups, both groups are directed to maintain status quo and there shall not be any law and order issue. If at all any law and order issue arises, it is well open to the respondents 6 to 8 to take action as per law to prevent the law and order issue. Since the law and order issue is primary concern which is to be maintained for peace and tranquility in the area.



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6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

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To

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