



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2022

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P (MD) .No.420 of 2021

and

W.M.P (MD) No.342 of 2021

WEB COPY

Arulmighu Karuppasamy Temple,
Represented by its Administrator,
V.Palanichamy

...Petitioner

Vs.

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Assistant Director of Panchayats,
Virudhunagar,
Virudhunagar District.

3.The Block Development Officer, (Village Panchayat)
Virudhunagar Panchayat Union,
Virudhunagar District.

4.The Panchayat President,
Rosalpatti Panchayat,
Virudhunagar Taluk,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, restraining the respondents from putting up any construction in S.No.85/1, measuring 95 cents belonging to the Arulmighu Karuppasamy Temple located in Rosalpatti Village, Virudhunagar Taluk, Virudhunagar District.

For Petitioner	:	Mr.RJ.Karthick
For R1 and R2	:	Mr.J.John Rajadurai Government Advocate
For R3	:	Mr.R.Ragavendran Government Advocate
For R4	:	Mr.A.Mohan

ORDER

Heard the learned Counsels for the petitioner and respondents.

2.Let me begin with a small verse of a poem, namely, 'A Psalm of Life' by Henry Wadsworth Long Fellow. It is stated:

<https://hcservices.ecourts.gov.in/hcservices/> 'Act, - act in the living present!



With your heart within, and God o'erhead!'

3.It can also be interpreted to mean that if you don't have a heart, there is no point in talking or even thinking about God overhead. Having a heart implies accepting everybody who are in need of care and protection as fellow human beings.

4.A temple is constructed only to provide solace and as a place of refuge and shelter for those who need some place of quietness to get peace to address the traumas of their mind. That can also be achieved, by ensuring that some effort is being made to alleviate the difficulties of the society.

5.In the instant case, the petitioner is Arulmighu Karuppasamy Temple, represented by its Administrator/V.Palanichamy. It is stated that the temple is situated in S.No.85/1, measuring an extent 95 cents. The writ petitioner claims that the land belongs to the temple. The revenue records reveal that the land is Government poramboke land.

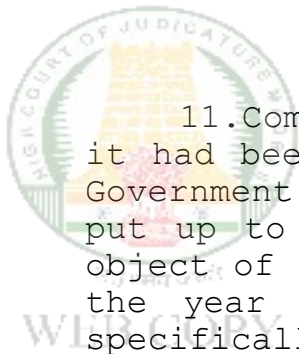
6.This would indicate that the temple had been established in land, which was vacant and available. Naturally, it is also a place of worship and of much significance to the surrounding people. There is some extra land available.

7.To the extent possible, the image of the temple and the image of a construction, which had been built up at quite some distance away from the temple have been exhibited through the video screen. A photo copy of the same is also enclosed in this order. It is seen that the construction had come up to the first floor. It is meant to be an Anganvadi for the benefit of young children. They also require the comfort of an Anganvadi.

8.An Anganvadi is a type of rural child care centre. They were started as part of Integrated Child Development Services Program to counter child hunger and malnutrition. Anganwadi means 'courtyard shelter' in Hindi.

9.It is not that the place taken up for construction of Anganwadi, is to be used for nefarious purpose. If the Anganvadi does not function, the temple authorities can also use it for any other good purpose. It is only converting a vacant land also as a place of worship, since a place wherein, young children get comfort for their needs is also equally a place of worship.

10.Let the petitioner who professes that he has regard for the deity, also in the first place have some regard to the living children in the surrounding area. I am confident that the petitioner would understand that by giving up the land, neither the petitioner is going to put to loss nor is there any gain for anybody. It is only going to benefit young children, who will be able to get shelter in times of trouble.



11.Coming back to the facts, a counter had been filed, wherein, it had been very clearly asserted that S.No.85/1, is classified as Government Poramboke. It is also seen that the building had been put up to quite some extensive size. It is also stated that the object of the trust, which the petitioner claims, was found only in the year 2020, is to help poor school children. It was very specifically stated in the counter that when that is the object of the trust of the petitioner, it is very ironical that objections are raised against the construction of an Anganvadi which is also to help children.

12.I do not know whether the petitioner has effectively helped any child in need. Mere worship is not going to take the petitioner anywhere. The petitioner must have intention in mind and must have a heart to realise the God overhead.

13.It is also stated in the counter that the area of the temple is 10X10 feet.

14.Let me place on the Caveat on the respondents to clear up the entire area surrounding the temple. This will benefit the actual worshipers, who will be able to sit down peacefully around the temple. The temple authorities have not even extended such basic facility for the worshippers.

15.The land is Government poramboke land. The temple land has not been encroached. The temple remains. The temple shall continue to remain. The tree in front of the temple will act as its guardian. But, let the construction which has been constructed be completed and let it be put to good use. The objections raised in this regard are totally misconceived. I am not prepared to entertain this Writ Petition.

16.The respondent shall not put up any further construction except the construction which has already been put up. I hope the respondents would also respect that a temple, should also be permitted to retain its sanctity.

17.With the above observation, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



lr

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 District Collector,
Virudhunagar,
Virudhunagar District.
- 2.The Assistant Director of Panchayats,
Virudhunagar,
Virudhunagar District.
- 3.The Block Development Officer, (Village Panchayat)
Virudhunagar Panchayat Union,
Virudhunagar District.
- 4.The Panchayat President,
Rosalpatti Panchayat,
Virudhunagar Taluk,
Virudhunagar District.

+1 CC to M/s.R.RAGAVENDRAN, Advocate (SR-3273[F] dated 01/02/2022)

+1 CC to M/s.SPL.GP (SR-3326[F] dated 01/02/2022)

W.P(MD) .No.420 of 2021
28.01.2022

SS (CO)

KB(14.02.2022) 4P 7C