



W.P.(MD)No.2786 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2786 of 2020

and

W.M.P.(MD)No.2361 of 2020

S.Sathyamoorthy

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Taluk Office,
Vadipatti,
Madurai District.

3.The Tahsildar,
Taluk Office,
Vadipatti,
Madurai District.

4.Koothan

5.Gurunathan

6.Krishnasamy

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to remove the lock and seal of Sri Dhanangkatha Lingathadiyan Temple situated at Ayyankottai Village, Vadipatti Taluk, Madurai District by handing over the keys to the petitioner on the basis of the petitioner's representation dated 04.11.2019 within a reasonable time as may be fixed by this Court.

For Petitioner	: Mr.S.Vellaichamy
For R1 to R3	: Mr.M.Sarangan
	Additional Government Pleader
For R4 to R6	: no appearance

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for R1 to R3.

2. Though the private respondents have been served and their names are also printed in the cause list, there is no appearance on their behalf.



W.P.(MD)No.2786 of 2020

WEB COPY

3. The case of the petitioner is that he is the trustee of the petition mentioned temple and that on account of the objections raised by the private parties, the temple has been locked and sealed and the key is now with the Tahsildhar, Vadipatti. The petitioner wants this Court to direct the official respondents to remove the lock and seal and also hand over the key.

4. The learned Additional Government Pleader appearing for the official respondents states that a peace committee meeting was held on 04.11.2019. Only pursuant to the decision taken therein, the temple was locked and sealed and the key was taken by the Tahsildar. A copy of the said proceedings has also been produced before me.

5. I went through the contents of the same. One cannot come to the conclusion therefrom that the petitioner consented for the decision taken in the peace committee meeting. In the representation given on the same day, the petitioner had alleged that the authorities had bulldozed their decision. I do not want to go into the said controversy. Suffice it to say that the decision taken in the peace committee meeting cannot be



W.P.(MD)No.2786 of 2020

WEB COPY

enforced because it does not have any statutory force or value.

6. From the materials enclosed in the typed set of papers, I am satisfied that it is the petitioner who had contributed to the development of the temple. The house tax receipts are in his name. The copy of the kumbabishekam invitation has already been enclosed. kumbabishekam was celebrated on 28.09.2019 and the petitioner's name figured prominently therein. It is stated by the learned Additional Government Pleader that the temple is located in Ayyankottai Village, whereas the petitioner is a resident of Kattakoothanpatti. It is quite possible that the local villagers were opposed to the prominent role played by the petitioner. That had given rise to certain controversies.

7. Before me, the private respondents have not appeared to oppose the writ prayer. The temple cannot be kept under lock and seal indefinitely. It is unfortunate that for almost three years, poojas could not be performed. Such a state of affairs is deplorable. In any event, the revenue authorities have no role to play in the matter. They have not initiated proceedings under Section 145 of Cr.P.C.



W.P.(MD)No.2786 of 2020

WEB COPY

8. The petitioner is permitted to approach the third respondent on 19.07.2022 at 11.00 a.m. The third respondent or an authorised subordinate official shall go to the temple spot and remove the seal and also hand over the key to the petitioner herein so that the petitioner can resume the performance of the pooja and maintenance of the temple. This order will not in any way prejudice the rights of the private respondents herein. It is open to the private respondents herein to move the appropriate court or authority or forum for appropriate relief.

9. With this liberty to the fourth respondent herein, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

13.07.2022

Index : Yes / No

Internet : Yes/ No

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NOTE:Issue Order Copy on 14.07.2022

To

1.The District Collector,
Madurai District,
Madurai.



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W.P.(MD)No.2786 of 2020

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2.The Revenue Divisional Officer,
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