



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 28.04.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**W.P(MD) .No.5531 of 2020**

Ramachandra Thevar

... Petitioner

**Vs.**

1.The District Collector,  
Virudhunagar District.

2.The Commissioner,  
Rajapalayam Municipality,  
Rajapalayam.

3.The Tahsildar,  
Rajapalayam Taluk Office,  
Virudhunagar District.

4.A.Radhakrishnan

...Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 15.11.2019 within the stipulated period that may be fixed by this Court.

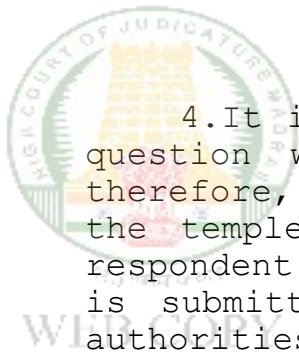
|                |                                               |
|----------------|-----------------------------------------------|
| For Petitioner | : No Appearance                               |
| For R1 & R3    | : Mr.P.Subbaraj<br>Special Government Pleader |
| For R2         | : Mr.N.Dilip Kumar                            |
| For R4         | : Mr.S.Madhavan                               |

**ORDER**

The present writ petition has been filed for a Mandamus to direct the respondents to consider the petitioner's representation dated 15.11.2019.

2.There is no representation on behalf of the petitioner.

3.It is the case of the petitioner that the subject temple, namely Yellaiamman was developed by the people belonging to Maravar Community.



4.It is the contention of the 4<sup>th</sup> respondent that the temple in question was built by the members of the Naidu community and therefore, the question of the petitioner exercising any right over the temple does not arise. It is further submitted that the 4<sup>th</sup> respondent has also filed a suit though it is yet to be numbered. It is submitted that the petitioner has to either to approach the authorities concerned under the HR & CE Act, 1959 or file a suit. As such remedy cannot be entertained.

5.I have considered the arguments advanced by the learned counsel for the official respondents, learned counsel for the private respondents and perused the affidavit filed in support of the present writ petition.

6.*Prima facie*, it is a private dispute between the petitioner and the 4<sup>th</sup> respondent. Private disputes cannot be decided under Article 226 of the Constitution of India especially when there are disputed questions of fact regarding the origin of the temple and the nature of its denomination.

7.The petitioner's case is that the subject temple was developed by the people belonging to Maravar community, whereas the 4<sup>th</sup> respondent would argue that the temple in question was developed and built by the members of Naidu community. Such disputed questions of fact cannot be decided before this Court. Therefore, I am inclined to dismiss this writ petition while giving liberty to the petitioner and the 4<sup>th</sup> respondent to initiate appropriate proceedings for establishing their rights over the temple either before the authorities concerned under the HR & CE Act, 1959 or before the civil Court.

8.The writ petition stands dismissed, in terms of the above observation. No costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,  
Virudhunagar District.



2.The Tahsildar,  
Rajapalayam Taluk Office,  
Virudhunagar District.

+1 CC to M/s.N.DILIPKUMAR, Advocate ( SR-22742[F] dated 29/04/2022 )

+1 CC to M/s.SPL.GP ( SR-23252[F] dated 02/05/2022 )

**W.P (MD) .No.5531 of 2020**

**28.04.2022**

RD(25.05.2022) 3P 5C