



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.04.2022**

CORAM:

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

W.P. (MD) No.7969 of 2022

and

W.M.P. (MD) Nos.5968 and 5969 of 2022

WEB COPY

Suresh Gounder

... Petitioner

/vs./

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Revenue Divisional Officer,
Illuppur Revenue Division,
Illuppur, Pudukkottai District.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Near Old Municipal Office,
Pudukkottai.

5.The Tahsildar,
Taluk Office, Viralimalai,
Pudukkottai District.

6.N.Singaram

7.Duraiaraj

8.Chandrasekar

9.The Inspector of Police,
Viralimalai Police Station,
Illuppur Sub Division,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent with respect to the allotment of temple festival of Arulmigu Sri.Nallamuthu Mariyamman Temple and Karunguli Karuppasamy Temple located at Nambampatti Village, Viralimalai Taluk, Pudukkottai District to the respondents 6 to 8 by the proceedings dated 19.04.2022 and quash the same and consequently



direct the 2nd respondent to arrive at a consensus between the petitioner and the respondents 6 to 8 to conduct the temple festival jointly with the supervision of the 4th respondent.

For Petitioner : Mr.T.M.Madasamy

For R1 to R5 & R9 : Mr.P.Subbaraj
Special Government Pleader

For R8 : Mr.P.Ganapathi Subramanian

ORDER

The petitioner has filed this writ petition now at the 11th hour after the temple festival had commenced for the subject temple called Arulmigu Nallamuthu Mariamman Temple situated at Nambampatti Village, Viralimalai Taluk, Pudukkottai District.

2.It appears that there is a dispute between the parties all along and suits were also filed. However, they were compromised out of the Court and the suits were also withdrawn.

3.The learned counsel for the petitioner submits that in an earlier occasion, there was a peace committee meeting under the 2nd respondent and a peace formula was brokened, whereby the members from the different villages were allowed to conduct festival in turn. It is submitted that it is the petitioner's turn to conduct the temple festival falls during this year. However, the 3rd respondent has now allowed the 8th respondent to conduct the festival.

4.A reading of the averments in the affidavit seems to indicate that the temple is no longer a private temple as it attracts devotees from Nambampatti Village and also the devotees from nearby Nambampatti village. If the petitioner is seeking any rights, it is open for the petitioner to file appropriate application under Section 63 (e) of the Act.

5.Since the temple has not been taken under the control of the HR and CE Department, I direct the official respondents herein, namely the respondents 1 to 5 and 9 to take steps to take over the management of the temple, until a scheme is framed under Section 64 of the Act. Liberty is given to the petitioner to move appropriate application before the 3rd respondent/the Joint Commission under Section 63 (e) of the Act. In case, such an application is filed, the 3rd respondent shall entertain the appeal and dispose of the same on merits and in accordance with law, within a period of 3 months from the date of receipt of such application to be filed by the petitioner or any other person from the village. It is needless to state that the rights of all the private respondents herein shall be factored before such orders are passed.



6.The writ petition stands disposed of, in terms of the above observation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
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Illuppur Revenue Division,
Illuppur, Pudukkottai District.
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- 4.The Assistant Commissioner,
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Near Old Municipal Office,
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- 5.The Tahsildar,
Taluk Office, Viralimalai,
Pudukkottai District.
- 6.The Inspector of Police,
Viralimalai Police Station,
Illuppur Sub Division,
Pudukkottai District.

+1 CC to M/s.T. MADASAMY, Advocate (SR-21746[F] dated 27/04/2022)

+1 CC to M/s.T.M. MADASAMY, Advocate (SR-21785[F] dated 27/04/2022)

+1 CC to M/s.SPL.GP. (SR-21258[F] dated 26/04/2022)

W.P. (MD) No.7969 of 2022

25.04.2022

MGJ(12.05.2022) 3P 10C