



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2022

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

W.P. (MD) No.10635 of 2022

WEB COPY

S.Nadarajan

... Petitioner

Vs.

1.The Superintendent of Police,
Office of Superintendent of Police,
Theni District, Theni.

2. The Joint Commissioner,
HR & CE Department,
Dindigul District,
Dindigul.

3.The Executive Officer,
Arulmigu Moongilanai Kamatchi Amman Kovil,
Dhevathanapatti, Thjeni District.

4. The Inspector of Police,
Dhevathanapatti Police Station,
Dhevathanapatti,
Theni District.

5. Mohan

6. Gunasekaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the second respondent to direct the third respondent to permit the petitioner to function as priest (Pooshari) in Arulmigu Moongilanai Kamatchi Amman Temple in Dhevanathapatti Village, Theni District from Vaikashi 22 to Vaikashi 31 i.e from 05.06.2022 to 14.06.2022 by considering his representation dated 25.05.2022, consequentially directing the fourth respondent to give adequate protection for the same, within the period stipulated as prescribed by this Court.



For Petitioner : Mr.A.Haja Mohideen
For R1, R2 & R4 : Mr.A.Kannan
Additional Government Pleader
For R3 : Mr.G.Mathavan

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O R D E R

The petitioner herein claiming hereditary right as poojari has already initiated a suit before the learned District Munsif Court, Periyakulam, in O.S.No.52 of 2022 seeking permanent injunction against the private respondents and the same is pending. While the said suit is pending, the present writ petition is filed impleading the Hindu Religious and Charitable Endowment authorities along with the private respondents seeking mandamus to permit him to function as priest in Arulmigu Moongilanai Kamatchi Amman Temple, Dhevathanapatti Village, Theni District for the period commencing from 05.06.2022 to 14.06.2022.

2. A representation dated 25.05.2022 is alleged to have been given by the petitioner herein to the authorities and soon thereafter, within three days, the present writ petition is filed seeking mandamus.

3. From pleadings and the documents relied upon by the petitioner herein, it appears that there is a rival claim of hereditary poojariship in respect of the Temple between the petitioner and the private respondents 5 and 6. While injunction suit has been filed against the private respondents without impleading HR & CE authorities, the present writ petition is filed seeking mandamus to dispose of the representation dated 25.05.2022.

4. The petitioner herein is vested with the right to invoke the provision under Section 63 of the HR & CE Act seeking right of hereditaryship of the said temple. Instead of invoking the said provision, the present writ petition is filed. Therefore, without prejudice to the right of the petitioner herein, this Writ Petition is dismissed directing the petitioner to approach the Joint Commissioner, seeking protection and right under HR&CE Act. No costs.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

03/06/2022

Sub Assistant Registrar(CS)



To ஸ்ரீமதி ஸ்ரீமதி

1.The Superintendent of Police,
Office of Superintendent of Police,
Theni District, Theni.

2. The Joint Commissioner,
HR & CE Department,
Dindigul District,
Dindigul.

3.The Inspector of Police,
Dhevathanapatti Police Station,
Dhevathanapatti,
Theni District.

+1 CC to M/s.SPL.GP (SR-24265[F] dated 02/06/2022)

W.P. (MD) No.10635 of 2022
01.06.2022

na (CO)

TR(03.06.2022) 3P 5C