



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.11538 of 2022

R.V.D.Balakrishnan

... Petitioner

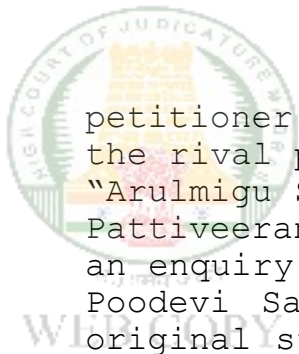
Vs.

- 1.The District Collector,
Office of the Collectorate,
Dindigul.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
- 3.The Revenue Divisional Officer,
Office of the Revenue Division,
Dindigul District.
- 4.The Tahsildar,
Office of the Tahsildar,
Nilakottai Taluk,
Dindigul District.
- 5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Nilakottai Taluk,
Dindigul District.
- 6.The Inspector of Police,
Pattiveeranpatti Police Station,
Nilakottai Taluk,
Dindigul District.
- 7.R.Logamanya Balagangathara Thilagar
- 8.A.Seenivasa Perumal
- 9.V.Ponraj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 6, the Law Enforcing Authorities to consider the complaint and representation dated 26.04.2022 given by the

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petitioner and thereupon, to initiate an appropriate action against the rival parties who demolished and removed the Moolavar statues of "Arulmigu Sridevi, Poodevi Samedha Srivenkatasha Perumal Thirukovil" Pattiveeranpatti, Nilakottai Taluk, Didingul District by conducting an enquiry and recover all the statutes belong to "Arulmigu Sridevi, Poodevi Samedha Srivenkatasha Perumal Thirukovil" and restore the original status of the temple by initiating an appropriate criminal action.

For Petitioner : Mr.V.R.Venkatesan

For Respondents : Mr.M.Sarangan,
Addl. Government Pleader R1 to R6.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 to 6.

2.The grievance of the petitioner is that the private respondents have removed the Moolavar statue in the petition mentioned temple and they are taking steps even to change the basic character of the temple. The petitioner earlier filed W.P.(MD) No.1446 of 2022 in this regard. The said writ petition was disposed of on 27.01.2022 by directing the petitioner to move the concerned authorities. Now the petitioner has come to the Court again, complaining that even though he moved authorities, the authorities have not taken any action.

3.The learned Additional Government Pleader appearing for the respondents 1 to 6 would state that the petition mentioned temple is worshiped by a particular community. It is stated that there are 139 families in the village and that there is an elected body for the temple administration. According to the learned Additional Government Pleader, an overwhelming majority family is in support of the measures now taken.

4.I am afraid that the issue projected by the writ petitioner cannot be adjudicated in writ proceedings. The petitioner had rightly moved the jurisdictional civil Court ie., the Principal Sub Court, Dindigul, by filing O.S.No.329 of 2022. The jurisdictional Civil Court will have to take a call in the matter. The learned trial Judge is directed to number the I.A., already filed by the writ petitioner in the said suit. The service will be effected on the respondents as expeditiously as possible. After the service is effected, the I.A., will be disposed of within a period of four weeks thereafter. I make it clear that I have not gone into the merits of the matter. All the contentions of the writ petitioner are left open.



5.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS I)

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// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To:-

- 1.The District Collector,
Office of the Collectorate,
Dindigul.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
- 3.The Revenue Divisional Officer,
Office of the Revenue Division,
Dindigul District.
- 4.The Tahsildar,
Office of the Tahsildar,
Nilakottai Taluk,
Dindigul District.
- 5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Nilakottai Taluk,
Dindigul District.
- 6.The Inspector of Police,
Pattiveeranpatti Police Station,
Nilakottai Taluk,
Dindigul District.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Principal Subordinate judge,
Dindigul.

+1 CC to M/s.V.R.VENKATESAN, Advocate (SR-25713[F] dated 15/06/2022)

+1 CC to M/s.SPL.GP (SR-26111[F] dated 16/06/2022)

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14.06.2022