



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WEB COPY

W.P. (MD)No.16143 of 2020

and

W.M.P. (MD)No.13513 of 2020

V.Veerasamy

...Petitioner

Vs.

1.The Tahsildar,
Manachanallur Taluk,
Manachanallur, Trichy District.

2.The Inspector of Police,
Pulivalam Police Station,
Trichy.

3.K.Kanagaraaj
4.A.Mahalingam

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the 1st respondent to handover the keys of Sri Kuppusamy and Patchaiyamman Temple situated in the North Street/ Harijan Street of Omandur Village, Manachanallur Taluk, Trichy District to the petitioner based on his representations dated. 07.02.2020 and 5.4.2020 thereby directing the 2nd respondent to give police protection so as to enable the petitioner to perform poojas on daily and other auspicious days without any hindrance and disturbance from the 3rd and 4th respondents pursuant to the order of this Court in Crl.O.P.No. 8384/2018 dated. 17.5.2018 and consequential statement given by the 3rd respondent to the 2nd respondent dated. 30.07.2018.

For Petitioner : Mr.G.Thalaimutharasu
For R1 and R2 : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

ORDER

This Writ Petition is filed seeking for a direction to the first respondent to hand over the keys of Sri Kuppusamy and Patchaiyamman temple situated in North Street / Harijan Street of Omandur Village, Manachanallur Taluk, Trichy District to the petitioner and to give police protection, so as to enable the petitioner to perform poojas on daily and other auspicious days without any hindrance and disturbance from the 3rd and 4th respondents.



2.The case of the petitioner is that he is in possession of the temple. Therefore, he should be permitted to manage the same and he is entitled for keys. Whereas the respondents 3 and 4 also created a problem and wanted to celebrate the festival on 03.08.2019 independently, which was lead to the dispute. In this regard, Peace Committee meeting was held on 02.08.2019 and resolution was also passed. At that time, keys were handed over to the first respondent.

3.From the affidavit filed in support of this Writ Petition, it is seen that there was a dispute over the temple in the village of Omandur and Peace Committee meeting was also conducted in this regard. Unless and until the right to manage the temple is established, no one can claim right independently and it is for any party to claim their right independently and the same has to be established in the manner known to law. It is for the concerned forum to go into those issues.

4.In such view of the matter, blanket directions cannot be issued to the police authorities or the Tahsildar to hand over the keys. It is for the police officials and revenue officials to take an appropriate decision allowing the persons, taking note of actual position in the village while celebrating the festivals.

5.With the above observation, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Myr

Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

- 1.The Tahsildar,
Manachanallur Taluk,
Manachanallur, Trichy District.
- 2.The Inspector of Police,
Pulivalam Police Station,
Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD)No.16143 of 2020
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DP(26.02.2022) 3P 4C