



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

Writ Petition (MD)No.18627 of 2015

and

M.P.(MD)Nos.1, 3 & 4 of 2015

WEB COPY

Jothibas, S/o.Karupiah Pillai Poosari

.. Petitioner

Versus

1.The District Collector,
Madurai District, Madurai.

2.The Joint Commissioner,
HR & CE Department, Madurai.

3.The Superintendent of Police,
Madurai Rural, Madurai.

4.The Inspector of Police,
Austinpatti Police Station, Madurai.

5.The Tahsildar,
Madurai West Taluk,
Near Ellis Nagar,
Madurai District, Madurai.

6.S.Murugan

7.K.M.K.Mathivanan

8.C.Karuthachamy

9.Sellapandi, S/o.Chellapandi

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings passed by the fifth respondent vide Na.Ka.No.A/7053/2015, dated 10.10.2015, quash the same as arbitrary and against the order in O.A.No.69 of 1972, passed by the then learned Deputy Commissioner H.R. & C.E. (Admin) Department, Madurai - 2 and consequently, direct the respondents to implement the order passed by the second respondent in O.A.No.69 of 1972 for the Arulmigu Alagunachiamman Temple, situated at Villachery, Madurai District.

For Petitioner : Mr.D.Nallathambi

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

For R6 to R9 : Mr.S.Manohar



ORDER

The petitioner has challenged the impugned communication dated 10.10.2015 of the fifth respondent Tahsildar and to quash the same and to implement the order dated 04.06.1973, passed by the Deputy Commissioner, Hindu Religious and Charitable Endowments (Admn) Department, Madurai, under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as 'the H.R. & C.E. Act']] in O.A.No.69 of 1972.

2.It appears from the impugned order that there are conflicts between 3 different groups. Therefore, under these circumstances, a peace committee meeting was conducted by the fifth respondent - Tahsildar and he had imposed certain conditions in connection with the festival to be held on 13.10.2015 and 14.10.2015. In the said peace committee meeting, three different groups were asked to comply with the directions including the ban order restraining the sacrifice of goat and cock/hen. Thereafter, no further proceedings have been initiated. It is also not clear whether any proceedings have been initiated to recognize the petitioner or any members of the group as the Priest for the said Temple called 'Arulmigu Alagunachiamman Temple, Villachery, Madurai. The impugned order/memorandum of the Tahsildar recording the outcome of the peace committee meeting and the decision taken is self-limiting order and was valid only for two days between 13.10.2015 and 14.10.2015. Therefore, there is no merit in this Writ Petition. If the petitioner wants to be recognized as a Poosari in terms of the order passed in O.A.No.69 of 1972 of the Deputy Commissioner, H.R. & C.E. Department, it is open for the petitioner to file an appropriate application before the second respondent - Joint Commissioner in terms of the provisions of the H.R. & C.E. Act.

3.The Writ Petition is therefore dismissed with the above liberty. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

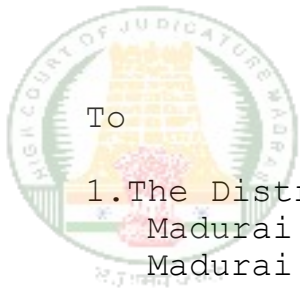
Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

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To

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Madurai.

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Madurai.

+1 CC to M/s.SPL GP (SR-15370[F] dated 30/03/2022)

+1 CC to M/s.S.MANO HAR, Advocate (SR-15609[F] dated 31/03/2022)

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-15776[F] dated
31/03/2022)

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29.03.2022

RD(07.04.2022) 3P 9C