



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.04.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.19156 of 2018

M.Balu @ Muniyasamy

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District.

2.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Paramakudi,
Ramanathapuram District.

4.The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.

5.Muniyasamy

6.Mahalingam

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to permit the petitioner to perform poojas to the deity of the temple namely Sri Perumarathu Muniyasamy Temple, T.Vallakulam Village, Kamuthi Taluk, Ramanathapuram District based on the recognition and Membership Card issued by the third respondent.

For Petitioner

: Mr.V.Sasi Kumar

For R1 to R4

: Mr.P.T.Thiraviam

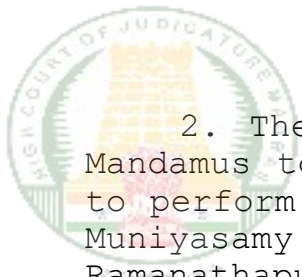
Government Advocate

For R5 & R6

: Mr.R.Babu Jaganath

ORDER

Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 to 4 and the learned counsel for the respondents 5 and 6.



2. The petitioner has filed this writ petition for a Writ of Mandamus to direct the respondents 1 to 4 to permit the petitioner to perform poojas to the deity of the temple namely Sri Perumarathu Muniyasamy Temple, T.Vallakulam Village, Kamuthi Taluk, Ramanathapuram District based on the recognition and Membership Card issued by the third respondent.

3. It appears that the respondents 5 and 6 earlier had filed a Public Interest Litigation in W.P.(MD).Nos.6303 and 13388 of 2017 and secured an order on 16.08.2017. The learned Additional Government Pleader that the Assistant Commissioner, Hindu Religious and Charitable Endowments Department had already issued a membership card recognising the petitioner, herein as a village Poojari for the said temple and the said submission was placed on record. Therefore, while dismissing W.P.(MD).No.6303 of 2017 filed by the fifth respondent, herein, the Court took note of the order passed in W.P.(MD).No.10455 of 2017 holding that the villagers were entitled to offer their worship or restrained the fourth respondent therein, namely, Inspector of Police, Abiramapuram from interfering with the rival claims of Poojari rights.

4. The learned counsel for the official respondents submits that that it is a private temple and therefore, Hindu Religious and Charitable Endowments Rights has no role to play. It is further submitted that ID card issued only for Village Temple Poojari Welfare Board is not for Poojaris.

5. Be that as it may, I do not find any merits in the present writ petition. There is a dispute between both the petitioner and the respondents 5 and 6. It is a matter which has to be decided in an appropriate proceedings before the civil Court. In case the petitioner wants to establish any exclusive right, the petitioner has also alternate remedy under the Act. Therefore, the writ petition stands dismissed. It is open for the petitioner to workout alternate remedy in a manner known to law. No costs.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Ramanathapuram District.



2.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Paramakudi,
Ramanathapuram District.

4.The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.

+1 CC to M/s.SPL.GP (SR-18972[F] dated 18/04/2022)

W.P(MD) .No.19156 of 2018
13.04.2022

MGJ(04.05.2022) 3P 6C