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W.P.(MD).No.26814 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.26814 of 2019

K.Palanichamy

... Petitioner

Vs.

1.The Superintendent of Police,
Karur,
Karur District.

2.The Inspector of Police,
Vellianai Police Station,
Karur Taluk,
Karur District.

3.Vaiyapuri Goundar

4.Subramanian

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to return the keys for the petitioner's temple Sri Sadachimman, Sri Muthallam, Sri Karuppanasamy Temple situated at Vennilai, Uppidamangalam Village, Karur Taluk which was forcefully obtained from the petitioner on 06.06.2019 and consequently, forbear the respondents from interfering with the affairs of the said temple and abide by the decree in O.S.No.253 of 1989 before the District Munsif



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Court, Karur dated 17.12.1990.

For Petitioner

For R1 & R3

For R3&R4

: Mr.P.Samuel Gunasingh

: Mr.A.Thiruvadikumar

Additional Public Prosecutor

: Mr.K.P.Palanivel Rajan

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus directing the second respondent police to handover the keys of the Temple to the petitioner and to forbear the respondents from interfering with the affairs of the Temple.

2.The case of the petitioner is that his father was the hereditary trustee of Sri Sadachimman, Sri Muthallam and Sri Karuppanasamy Temple. There was interference in conducting the affairs of the Temple by the third respondent and three others and hence, the father of the petitioner filed a suit in O.S.No.253 of 1989 before the District Munsif Court, Karur, seeking for the relief of permanent injunction. The Trial Court, on considering the facts and circumstances of the case and on appreciation of evidence, came to the conclusion that the affairs of the Temple is being managed by the father of the petitioner as the hereditary trustee and accordingly, the suit was decreed as prayed for.



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3.The decree passed by the Trial Court was subsequently confirmed in A.S.No.83 of 1991 by the Sub-Court, Karur, through judgment and decree dated 09.02.1995. Thus, the decree of the Civil Court became final. During the pendency of the appeal, the father of the petitioner died and hence, the petitioner and other legal heirs were impleaded as parties.

4.The further case of the petitioner is that after the demise of his father, he was managing the affairs of the above said Temple. The grievance of the petitioner is that based on the complaint given by the third and fourth respondents, the second respondent called the petitioner for an enquiry and he was made to handover the keys of the Temple. Aggrieved by the same, the present writ petition has been filed seeking for the aforesaid relief.

5.Heard P.Samuel Gunasingh, learned counsel appearing for the petitioner, Mr.A.Thiruvadikumar, learned Additional Public Prosecutor appearing for the respondents 1 and 2 and Mr.K.P.Palanivel Rajan, learned counsel appearing for the third and fourth respondents.

6.The learned counsel appearing on behalf of the third and fourth respondents submitted that during the pendency of the writ petition, the



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petitioner was removed from the post of Trustee on the ground of misappropriation of funds and the keys were handed over by the petitioner to the Committee and the petitioner has nothing to do with the affairs of the Temple. The learned counsel appearing for the third and fourth respondents also brought to the notice of this Court the suit filed in O.S.No.70 of 2021 on the file of the District Munsif Court, Karur, by the present trustee of the Temple. In view of the same, the learned counsel submitted that the relief as sought for in this writ petition is unsustainable.

7.The learned Additional Public Prosecutor, on instructions, submitted that the keys were handed over to the police and in turn, it was handed over to the third respondent. The learned Additional Public Prosecutor also relied upon the written instructions received from the respondent police and submitted that a representation has been made to the HR&CE Department to take over the Temple and the issue is pending at that stage.

8.In the considered view of this Court, there is no requirement for this Court to go into the present dispute that is pending in O.S.No.17 of 2021. From the available records, it is seen that a decree was passed by the competent Civil Court in favour of the father of the petitioner. Even assuming



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that there is a dispute among the trustees, that doesn't mean that the respondent police can get into the issue and interfere with the affairs of the Temple. The second respondent receiving the Keys of the Temple from the petitioner was clearly misuse of power and the second respondent has no business to interfere with the dispute between the trustees of the Temple. The second respondent by getting back the keys from the petitioner has virtually gone against the decree passed by the Civil Court. In view of the same, this Court has to necessarily restrain the police from interfering with the dispute in future.

9. Insofar as the dispute as among the trustees of the Temple, this Court need not get into that issue and what is available before the Court is a decree which was passed earlier in favour of the father of the petitioner. In any event, this Court cannot adjudicate the private dispute in a writ petition and hence, this Court is laying off its hand from that dispute.

10. In view of the above discussion, this Writ Petition is disposed of with a direction to the respondent police not to interfere with the affairs of the Temple in future and it is left open to the petitioner to work out his remedy in accordance with the Civil Court decree that was already passed in favour of



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his father. No costs.

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Internet : Yes/No

Index : Yes/No

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To

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Karur District.

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N.ANAND VENKATESH, J.

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Order made in
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