



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.14804 of 2023
and WMP.Nos.14350, 14351 and 14353 of 2023

Arulmigu Seethala Parameshwari Mariamman Temple,
Akkarai Kodiveri Village,
Gobichettipalayam Taluk,
Erode District,
Represented by K.Sivakumar,
Chairman- Administrative Committee.

... petitioner

-Vs-

1. The State Government of Tamil Nadu,
Represented by its District Collector,
Erode District-Erode-11.

2. The Revenue Divisional Officer,
Gobichettipalayam.

3. The Revenue Tahsildar
Gobichettipalayam Taluk,
Gobichettipalayam.

4. A. Muthusamy

5. K.V. Palanisamy

... Respondents



Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus calling for the records relating to the impugned order in dated 08.12.2022 in Na.Ka. 3515/2022/B1 passed by the 3rd Respondent and quash the same and consequently restrain the respondents 1-3 to not to interfere with the administrative rights of the Administrative Committee of the Arulmigu Seethala Parameshwari Mariamman Temple.

For petitioner : Mr.B.Manoharan

For M/s.Annamalai

For Respondent : Mr.V.Manoharan, AGP RR1 to 3

ORDER

This petition has been filed seeking to quash the impugned order dated 08.12.2022 in Na.Ka. 3515/2022/B1 passed by the 3rd Respondent and consequently, restrain the respondents 1-3 not to interfere with the administrative rights of the Administrative Committee of the Arulmigu Seethala Parameshwari Mariamman Temple.

2. It is the case of the petitioner that he is the chairman of the Administrative Committee of Arulmigu Seethala Parameshwari Mariamman Temple, situated in Old S.F.No.136-A to the corresponding New S.F.No.137/1, Akkarai Kodivery Village, Akkarai Kodiveri Panchayat Board, T.N. Palayam



Panchayath Union of Gopichettipalayam Taluk Eorde District. The said temple is a de-notified private temple, which does not fall under the purview of the Hindu Religious and Charitable Endowments Act. The said temple and the lands surrounding it belonged to a devotee viz., Pongiammal, who lived at the same village. Being a staunch devotee of the presiding deity, she had during her lifetime built-up the temple and had constructed the presiding deity for her spiritual enhancement. The said Pongiammal having no issues dedicated the temple and her lands to the people of the village, by executing a registered sale deed dated 23.03.1935 and contributed the temple land to the deity. The sale deed is registered as doc. No.288/1935 before the SRO, Sathyamangalam.

3. A resolution was passed by the Administrative committee of the temple on 15.04.2014 by appointing the petitioner as the Chairman of the Administrative Committee. The said temple is a de-notified temple of Hindu Religious & Charitable Department as stated above and the land is also classified as a patta land till today in the name of the temple.

4. Such being the position, the respondents 4 & 5, who are residents of the village had on several occasions, requested the Administrative committee to



give special privileges and rights to perform poojas, animal sacrifice and offer Aranmani Pongal to the Deity during the festival period. This was denied to the administrative Committee. Therefore, the respondents 4 & 5 had approached the 3rd respondent to interfere with the Administration of the temple. The 3rd respondent had issued several notices to the petitioner calling for a peace meeting. The petitioner had attended the meeting but no enquiry was conducted by the third respondent. Due to the harassment of the third respondent, the petitioner has filed a suit in O.S.No.24/2023 before the District Munsif Court, Gobichettipalayam for declaring the notices issued by the 3rd respondent herein as null and void and for permanent injunction. When the matter stood thus, the 3rd respondent without conducting any enquiry, had passed the impugned order dated 08.12.2022 stating that the private respondents had married outside their caste, they were made as outcasts in the village and therefore, they had not been allowed to do worship at the temple and directed the Administrative Committee not to show any discrimination to the respondents 4 & 5 and allow them to conduct their rituals peacefully. Challenging the said order, the present writ petition has been filed.

5. The learned counsel for the petitioner submitted that neither the



Administrative Committee nor the people of the village, had at any point of time, discriminated and denied the rights of the private respondents to worship at the temple. The committee had denied the claim made by the respondents 4 & 5 for special privileges in temple premises. Therefore, this Court may quash the impugned order and allow the writ petition.

6. The Additional Government Pleader submitted that the petitioner's group or other group or the public are entitled to worship the deity and no special privileges will be provided to anyone. Hence, the 3rd respondent has rightly passed an order and this Court does not warrant any interference.

7. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the materials available on record.

8. On a perusal of the affidavit and counter affidavits, this Court is of the view that it is the duty of the respondents who are in-charge of the administration to ensure that no discrimination whatsoever shown on the ground of caste and community. It is the duty of the respondents to ensure that all the



communities are permitted to participate in the pooja. If the persons are claiming any customary right to make pooja that itself have to be established as per provisions of the HR & CE Act. Without there by any recognised right, no one has exclusive right to prevent other minority community in the same religion.

9. In such view of the matter, this Court directs the official respondent to act in terms of the religious rights guaranteed under the Constitution and there shall not be any discrimination on the ground of caste upgradation. The respondents shall frame a proper scheme in this regard and ensure that all the community people should participate without there be any discrimination.

10. With the above observations, the writ petition is disposed of. Consequently, connected miscellaneous petitions are also closed. No costs.

05.06.2023

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To
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M.DHANDAPANI, J.

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