



W.P.No.29448 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.29448 of 2022

and

W.M.P.Nos.28786 & 28787 of 2022 & 9423 of 2023

Arulmigu Mela Mari Amman Temple,
Rep. by its Hereditary Trustee R.Somasundaram,
Thethakudi North, Vedaranyam Taluk,
Nagapattinam District.

...Petitioner

vs.

1. The District Collector,
Nagapattinam District.
2. The District Revenue Officer/
District Additional Executive Magistrate,
Nagapattinam District.
3. The Revenue Divisional Officer/
Vedaranyam Taluk, Nagapattinam District.
4. Shanmugam
5. S.K. Mageswaran
6. S K. Ramasay
7. L.R. Tamilselvam

...Respondents



W.P.No.29448 of 2022

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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for records relating to the 3rd respondent's proceedings in Na.Ka.No.1174/2021/A1 dated 27.11.2021 as confirmed by the 2nd respondent made in Na.Ka.No.18911/2021/C2 dated 22.04.2022, to quash the same and to consequently direct the respondents 1 to 3 to continue the petitioner as Hereditary Trustee of the Arulmigu Mela Mari Amman Temple without any interference by any third party.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.U.Baranidharan, AGP, for R1 to R3.
: Mr.G.Nagarajan, for R4 to R7.

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in respect of the proceedings bearing Na.Ka.No.1174/2021/A1 dated 27.11.2021 as confirmed by the 2nd respondent, vide proceedings bearing Na.Ka.No.18911/2021/C2 dated 22.04.2022, quash the same and to consequently direct the respondents 1 to 3 to continue the petitioner as the Hereditary Trustee of the Arulmigu Mela Mari Amman Temple without any interference by any third party.



W.P.No.29448 of 2022

2. Though the petitioner filed a Miscellaneous petition in WMP.No.9423 of 2023, seeking issuance of an ad-interim direction to the respondents 1 to 3 to permit the petitioner to perform the ensuing Annual Chithirai Festival for the petitioner temple to be held on 14.04.2023, however, in view of the consent expressed by the learned counsel on either side, the main Writ petition itself is taken up for final disposal.

3. The case of the petitioner is that the petitioner is the Hereditary Trustee of the petitioner temple and in order to establish the same, the petitioner approached the officials along with the necessary documents, however, the same was not considered by the officials. While so, as there arose some dispute in between the petitioner and the private respondents, with regard to the management and affairs of the temple and in order to avoid law and order problem, a peace committee meeting was convened in which, these impugned orders have come to be passed, directing both the parties, not to interfere with the temple affairs till the disposal of the criminal and civil cases case pending before various Court. Hence, challenging the same, the petitioner has come up with this Writ petition.



W.P.No.29448 of 2022

WEB COPY

4. Heard learned counsel on either side and perused the materials available on record.

5. Though the petitioner has come up with this Writ petition seeking quashment of the proceedings of the 3rd and 2nd respondents bearing Na.Ka.No.1174/2021/A1 dated 27.11.2021 and Na.Ka.No.18911/2021/C2 dated 22.04.2022 respectively, however, at the time of arguments, learned counsel appearing for the petitioner restricted the prayer and sought for direction of this Court to direct the jurisdictional Tahsildar to conduct Chittirai festival, as the same was conducted during the previous years as per the team formed by the Tahsildar/Executive Magistrate, vide meeting dated 22.11.2021 and the same committee members shall perform pooja in the petitioner temple for future years for other festivals as well, till the HR & CE recognizes the Hereditary trustee of the petitioner temple.

6. Learned counsel appearing for the respective respondents have not raised any objection for the above direction sought for by the learned



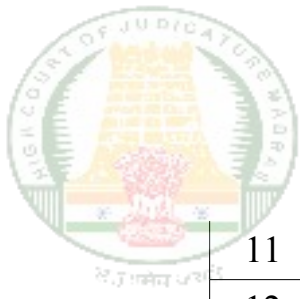
W.P.No.29448 of 2022

counsel for the petitioner.

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7. Admittedly, on earlier occasion, the Tahsildar/Executive Magistrate conducted meeting on 22.11.2021, in order to resolve the temple dispute in between the petitioner and the private respondents and have taken decision for appointing appropriate committee for conducting festival in the petitioner temple. For better appreciation, the details of the committee formed is as follows:

S.No.	Name	Designation
1	Executive Officer of Arulmigu Suganthavaneswarar Temple, Pushpavanam	President
2	Revenue Inspector, Vedaranyam	Member
3	Sub Inspector of Police, Vedaranyam	Member
4	1.S.Ramamurthy, S/o.Somasundaram 2.Sellamani, S/o.Muthusamy	Member
5	Veerapathran, S/o.Kunju Gounder	Member
6	T.Shanmugam, S/o.Thiagarajan	Member
7	R.Saravanan, S/o.Rajagopal	Member
8	Chandrabose, S/o.Pakirisamy	Member
9	Shanmugam, S/o.Ponnusamy	Member
10	Namasivayam, S/o.Ponnusamy	Member



W.P.No.29448 of 2022

11	Ammasi, S/o.Vadugan	Member
12	Danabal, S/o.Nagalingam	Member

8. In view of the above facts, this Court issues direction to the Tahsildar, to form a committee with the above said members, as it was formed in the earlier occasion, for conducting the ensuing Chitirai Festival to be held on 14.04.2023. Further, liberty is granted to the petitioner to approach the HR & CE for appropriate remedy and the Tahsildar is directed to conduct all such festivals by appointing committee as stated above, till the HR & CE takes final decision with regard to the Hereditary Trustee of the petitioner temple.

9. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

29.03.2023

skt

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W.P.No.29448 of 2022

Index : Yes/No

Speaking order : Yes/No

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Note to office: Issue order copy on 13.04.2023

To:

1. The District Collector,
Nagapattinam District.
2. The District Revenue Officer/
District Additional Executive Magistrate,
Nagapattinam District.
3. The Revenue Divisional Officer/
Vedaranyam Taluk, Nagapattinam District.



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W.P.No.29448 of 2022

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WEB COPY



W.P.No.29448 of 2022

29.03.2023