



W.P.(MD)No.1503 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2023

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THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.1503 of 2021
and
W.M.P.(MD)No.6493 of 2021

K.Muniyasamy

... Petitioner

Vs.

1.The District Collector,
Ramnad District.

2.The Revenue Divisional Officer,
Ramnad District.

3.The Inspector of Police,
The Mandapam Police Station,
Ramnad, Ramnad District.

4.Siva Sakthi Perumal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to remove the lock of the front main gate of Arulmigu Muniyasamy Temple situated at Valaiyarvadi Vedhalai Panchayat, Ramanathapuram District and hand over the keys and possession of the



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temple to the petitioner for performing poojas and usual worship by people on the basis of the petitioner's representation dated 20.11.2020 within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.S.Vellaichamy
For R1 to R3 : Mr.R.M.Anbunithi,
Additional Public Prosecutor
For R4 : Mr.M.Kannan

ORDER

This Writ Petition has been filed to direct the second respondent to remove the lock of the front main gate of Arulmigu Muniyasamy Temple situated at Valaiyarvadi Vedhalai Panchayat, Ramanathapuram District and hand over the keys and possession of the temple to the petitioner for performing poojas and usual worship by people on the basis of the petitioner's representation dated 20.11.2020 within a time frame.

2. According to the petitioner, he is the poojari of the above said temple and he used to perform poojas on every Tuesday and Wednesday and another temple also situated in S.No.588, namely Arulmighu Dharma



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Muneeswaran and one Veluchamy, who has given liberty to devotees for ingress and egress to the people and public also performed poojas.

While so, one Sahul Hamitha Beevi, who is having property adjacent to the Muniyasamy temple property and taking advantage, she illegally encroached upon the temple property and put up fence around the temple in the year 2011 and obstructed free entry to the temple and thereby, W.P.No.901 of 2012 was filed and the same was disposed of with a direction to consider the representation of the petitioner within a period of 8 weeks and thereby, encroachment was removed and the possession was handed over to the petitioner through Tahsildhar, Ramanathapuram on 04.05.2013. While being so, the fourth respondent herein, who is no way connected to the above said Temple attempted to grab the property and when the same was questioned by the petitioner, the fourth respondent along with associates attacked the petitioner and locked the front gate of the temple. Therefore, he lodged complaint dated 20.09.2020 before the Mandapam Police Station and the police orally informed to both parties not to entered into the temple. Thereafter, on 08.11.2020, the fourth respondent along with his sons and daughters trespassed into the house of the petitioner and attacked with weapons and



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based on the complaint given by him FIR in Cr.No.347 of 2020 was also registered as against them. Thereafter, he made representation to the second respondent to initiate proceedings under Section 145 Cr.P.C. But the respondents did not take any action. Thereafter, the petitioner sent representation dated 20.11.2020 and the same has not been considered.

3.No counter was filed by the respondents.

4.The learned counsel appearing for the petitioner would contend that there a dispute with regard to perform pooja in the above said temple and the fourth respondent locked the front gate of the temple and thereby, when the petitioner has given complaint, the police advised the parties not to enter into the temple. However, the fourth respondent entered into the temple and thereby, the petitioner sent representation dated 20.11.2020 and the same has not been considered.

5.The learned counsel appearing for the fourth respondent would contend that the averments made in the petition are false. The temple is not exclusively belonged to the petitioner and the temple is common



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temple. The allegations as against the fourth respondent are false and he already lodged a complaint as against the petitioner before the Mandapam Police Station and thereby, this petition is liable to be dismissed.

6.The learned Additional Public Prosecutor appearing for the official respondents would contend that the representation of the petitioner dated 20.11.2020 is still pending and there is dispute between the parties with regard to the worship of the temple. However, they will consider the representation of the petitioner.

7.In view of the above said submissions and considering the fact that the representation of the petitioner dated 20.11.2020 is still pending, it is appropriate to direct the second respondent to consider the same. Accordingly, the second respondent is directed to consider the representation of the petitioner dated 20.11.2020, by affording opportunity to all the interested parties, without any influence of the observation made by this Court and pass suitable orders in accordance with law, within a period of six weeks from the date of receipt of a copy



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of this order.

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P. DHANABAL,J.

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8.With the above observations and directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

23.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

1.The District Collector, Ramnad District.

2.The Revenue Divisional Officer, Ramnad District.

3.The Inspector of Police,
The Mandapam Police Station,
Ramnad, Ramnad District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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