



W.P(MD)No.6845 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.6845 of 2023
and WMP(MD)Nos.6402 and 6403 of 2023

Ayyanar

... Petitioner

Vs

1. The District Collector,
Sivagangai, Sivagangai District.
2. The District Revenue Officer,
Sivagangai..
3. The Revenue Divisional Officer,
Konthagai, Sivagangai District.
4. The Tahsildar,
Thirupuvanam Taluk, Sivagangai District.
5. S.Venadasubramanian
6. Saravanan

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order Na.Ka.No.C1/399/2023 dated



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17.02.2023 passed by the 4th respondent and quash the same and consequently directing the 1st respondent to conduct fresh peace committee under the head of 4th respondent based on the petitioners representation dated 27.02.2023 within stipulated time limit as fixed by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner	:Mr. S.Vellaichamy
For R1 to R4	:Mr.N.Muthu Vijayan Special Government Pleader
For R5	:Mr.V.R.G.Mohan
For R6	:Mr.R.Suryanarayanan

ORDER

The writ petition has been filed in the nature of Certiorarified Mandamus, seeking interference with a decision taken in the Peace Committee Meeting, dated 17.02.2023 in Na.Ka.No.C1/399/2023, which was conducted by the fourth respondent/Tahsildar, Thirupuvanam Taluk, Sivagangai District.

2.The petitioner in his affidavit had stated that in Keezhadi village which is in Thirupuvanam Taluk, Sivagangai District, there are three temples namely Ayyanar Kovil, Amman Kovil and Vellaipillaiyar Kovil. The



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petitioner is a poosari of the Ayyanar Kovil. The temples are maintained by Eight Karaikarargal. It is stated that the Ayyanar Kovil is in S.No.176/1, 186, 187. There are other properties belonging to the said temple in S.Nos. 127/2A1, 127/2A2, 127/2B, 10/10A1A, 10/10A1B, 10/10B1.

3.Naturally, when any temple is vested with vast lands, private interest would overlap with interest to pay much respect to the temple, not only because the temple has deity, which is to be worshipped but because of the land buildings.

4.As seen, there was an earlier writ petition filed under 'Public Interest Litigation' in **WP(MD)No.27095 of 2022 in Ayyanar Vs. The District Collector and two others**. The third respondent therein is the sixth respondent herein. In that particular writ petition, a direction was sought for removal of encroachments in Government poramboke lands, in front of the Eeswaran and Ayyanar Temple in Keezhadi Village. That Ayyanar temple is the subject matter of the present writ petition. The Division Bench, without expressing any opinion on the averments made by the petitioner, had directed the Authority to take necessary action for removal of encroachment, after



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affording an opportunity of hearing to all the parties and by following the due process of law.

5.It is complained by the learned counsel for the petitioner that filing of said writ petition, had triggered the fifth and sixth respondents, who appear to be fighting in common cause against the petitioner herein.

6.Be that as it may, this Court is not interested in any of the encroachments made in the land and the right to take the land. The scope of the writ petition is to ensure that the festivals to be conducted, with the participation of all community members. The grievance raised by the petitioner is that by a Peace Committee Meeting, which is questioned in the present writ petition, the views of the petitioner has not been taken into consideration, by the fourth respondent. He had bent towards the fifth and sixth respondents.

7.Viewed from any angle, the onus is on the fourth respondent, from calling for Peace Committee Meeting. Therefore, any decision taken in the earlier meeting is set aside and fresh decision has to be taken.



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8.It is complained that the fifth and sixth respondents along with others, had commenced maintenance work of the temple and it is stated that all works are completed and only painting work will have to be done.

9.The grievance of the petitioner is that he has not contributed to the said work, though he had made substantial expenditure in the earlier years, for maintaining or for refurbishing the temple.

10.In view of these facts, the following directions are issued.

1. *The decision taken in the Peace Committee Meeting on 17.02.2023, called by the fourth respondent may be kept in abeyance.*
2. *The Revenue Divisional Officer, Konthagai, Sivagangai District, who is the third respondent herein is directed to call for a fresh Peace Committee Meeting for Peace Committee Meeting on or before 30.04.2023, after issuing notices specifically to the petitioner and the fifth and sixth respondents and also other community people, who are residing in the said village. Till such time, let the Revenue Divisional Officer, Konthagai, Sivagangai District, issue a preliminary notice to*



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all the members to put on hold any further work in the temple and the remaining pending work will be done, after a decision taken in the Peace Committee Meeting.

- 3. During the said meeting, let a further decision be taken about the works to be done for the temple and subsequently, the Revenue Divisional Officer, Konthagai, Sivagangai District, is directed to ensure the participation not only by the petitioner, other poosaries but also the fifth and sixth respondents and common contribution is made in any expenditure involved in the temple.*
- 4. After the works are completed, let a decision be taken about the conducting festival again with the participation of all villagers, the petitioner and the fifth and sixth respondents and other members of all community.*

11.The direction is issued to the Revenue Divisional Officer, Konthagai, Sivagangai District, to conduct a Peace Committee Meeting, taking into consideration that the allegations have been made against the Tahsildar. Let me make it very clear as I had expressed only the allegations and that this Court has not considered any allegation as against the Tahsildar.



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He remains a public servant and this Court is of the opinion that he is unbiased.

12.Since there are allegations against the fourth respondent, for his own benefit let him stay away from any from the arrangements made in conducting the festival in the three temples. I hope that the petitioner, fifth and sixth respondents would join together and take every effort in conducting the festival in the village. No further direction is required.

13.With the above directions, this Writ Petition stands disposed.
No costs. Consequently, connected miscellaneous petitions are closed.

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NCS :Yes/No
Index :Yes/No
Internet:Yes/No
PNM



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C.V.KARTHIKEYAN, J.

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