



W.P.(MD).No.17032 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.17032 of 2023

1.Ramalingaswamy Adhithan

2.C.Murugaiah

... Petitioners

Vs.

1.The District Collector,
Pudukottai,
Pudukottai District.

2.The Revenue Divisional Officer,
Aranthagi,
Aranthagi Taluk,
Pudukottai District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Pudukottai,
Pudukottai District.

4.The Assistant Director,
Town and Country Planning,
Pudukottai,
Pudukottai District.



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5.The Tahsildhar,
Manamelgudi,
Manamelgudi Taluk,
Pudukottai District.

6.The Block Development Officer,
Manamelgudi,
Manamelgudi Taluk,
Pudukottai District.

7.The Deputy Superintendent of Police,
Kottaiappattinam,
Manamelgudi Taluk,
Pudukottai District.

8.The Inspector,
Hindu Religious and Charitable Endowment,
Manamelgudi,
(at present situated at Sri Veeramahalliamman Kovil in Aranthangi),
Pudukottai District.

9.The Sub Inspector of Police,
Kottaiappattinam Police Station,
Kottaiappattinam,
Pudukottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to take action upon the order dated 21.10.2022 in ஐ.ஓ.4168/2020/அ2 நாள் 21.10.2021 passed by the second respondent and to direct the third respondent to take action to shift the new temple in the building in Natham House site to the original old place in Survey No.43/4 and to perform the Palalayam ceremony as per Agama Rules.



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For Petitioners : Mr.V.Santhakumaresan
For R-1 to R-5 : Mr.R.Ragavendran,
R-7 to R-9 Government Advocate.
For R-6 : Mrs.D.Farjana Ghousia,
Special Government Pleader.

ORDER

This Writ Petition is filed for Mandamus, directing the third respondent to take action upon the order dated 21.10.2022 passed by the second respondent and to direct the third respondent to take action to shift the new temple in the building in Natham House site to the original old place in Survey No.43/4 and to perform the Palalayam ceremony as per Aagama Rules.

2. The contention of the petitioners is that an old Temple was in existence in Survey No.43/4. However, the said Temple was demolished and new Temple was put up in S.No.43/7 which is in patta land comprising in Patta No.10. Another Temple was put up in Survey No.43/22 which is in land comprising in Patta No.6. The further contention of the petitioner is that the rival groups have



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taken the Tiruvachi from the Temple. However, the respondents refuted by stating that the Tiruvachi is very much available and it was kept in the new Temple.

3. Further contention of the petitioner is that the rival group is not allowing the petitioner to enter the new Temple situated in S.No.43/22, hence, the petitioner is seeking permission to renovate the old Temple. However, the HR and CE officials have declined such permission, since the Temple belongs to HR and CE Department. Therefore, the petitioner now has come up with an alternative suggestion to construct Temple in his own patta land, which is situated in Survey No.49/7 comprised in Patta No.71. However, the respondents submitted that they have to verify whether such land is available to the petitioner's family.

4. This Court is not inclined to grant any adjournment, since the respondents were granted sufficient opportunity to file counter, but the counter is not forthcoming. However, the official respondents produced the report of Village Administrative Officer, wherein it is stated that S.No.43/7 comprised in Patta No.10 stands in the name of Konnaimuthu son of Patchai. The S.No.43/22



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comprised in Patta No.6 stands in the Kuppusamy Nadar son of Kalliappan, where the new temple is situated. The S.No.43/17, in which the old temple was situated is in dilapidated condition.

5. Therefore, the respondents are directed to allow the petitioner to put up a Temple in his own Patta land, since other new Temples have been put up in the respective rival claimants patta lands only. Therefore, the respondents cannot have any objections.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

10.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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