



W.P.(MD) No.18091 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2023

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THE HONOURABLE DR.JUSTICE D.NAGARJUN

**W.P.(MD) No.18091 of 2023
and
W.M.P.(MD) No.15100 of 2023**

P.Chinnu

... Petitioner

/vs./

1.The Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to accord adequate police protection for enabling the petitioner to perform poojas in Lord Muniyappa Samy Sannathi attached with Arulmigu Vandikaruppana Samy Temple, Thangammapatti, Vendasandur Taluk, Dindigul District in the light of the order passed by the Commissioner, Hindu Religious and Charitable Endowment Department, Chennai in A.P.No. 6/2021/D2 dated 10.08.2022 and the order



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passed by this Court in W.P.(MD).No. 25758 of 2022 dated 02.02.2023 and on the basis of the representation dated 15.06.2023.

For Petitioner : Mr.P.Saravanan

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

This Writ Petition is filed seeking for a direction to the respondent Police to accord adequate police protection enabling the petitioner to perform poojas in Lord Muniyappa Samy Sannathi attached with Arulmigu Vandikaruppana Samy Temple, Thangammapatti, Veda sandur Taluk, Dindigul District.

2.It is submitted by learned counsel for the petitioner that Lord Muniyappa Samy Sannathi attached with Arulmigu Vandikaruppana Samy Temple is being maintained by the Hindu Religious and Charitable Endowment Department. When there was a dispute between the Management on rights over the temple, the dispute was decided by the Joint Commissioner, Hindu Religious and Charitable Endowment Department in O.A.No.7 of 2018. While disposing of O.A.No.7 of 2018, dated 28th November, 2020, a temporary arrangement was made permitting



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the unofficial respondents to continue to look out the management and to perform poojas of the said temple. The said order were challenged before the Commissioner in A.P.No.6/2021/D2 and the same was allowed on 10.08.2022, setting aside the earlier order and remitting back the matter to the Joint Commissioner. In the meanwhile, interim arrangement was ordered to be meant for the Hereditary Trustee to engage services temporarily until final decision is taken. Accordingly, as per the proceedings dated 26.09.2022, the petitioner and another one, by name, Chinnu were appointed.

3.The order of Commissioner in A.P.No.6/2021/D2 was challenged in W.P.(MD).No.25758 of 2022 and the said Writ Petition was allowed on 02.02.2023, setting the order passed by the Commissioner in A.P.No.6/2021/D2. However, the temporary arrangements which were made. The relevant paragraph Nos.3 and 4 in W.P.(MD).No.25758 of 2022, which is extracted hereunder:

“3. As already noticed, the first respondent in the order dated 10.08.2022 in A.P.No.6/2021/D2, had specifically required the second respondent to re-examine the matter with specific reference to the five issues framed in that order, but the second



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respondent in the impugned dated 02.11.2022 has not at all adverted to any of those aspects in the manner as directed by the first respondent. In view of such flaw committed by the second respondent in the decision-making process, it is not possible to uphold the impugned order and the same has to be set aside.

4. in view of the foregoing discussion, the impugned order dated 02.11.2022 in O.A.No.50 of 2022 passed by the second respondent is set aside and the said application is restored to file to determine the matter afresh, on hearing all the concerned parties strictly in terms of the order dated 10.08.2022 in A.P.No.6/2021/D2 passed by the first respondent, and the interim arrangement as provided in that order shall continue to be in force till final order passed in that application. Such exercise shall be completed by 30.09.2023 and report of compliance filed before the Registrar (Judicial) of this Court.”

4.Now, the learned counsel for the petitioner submits that even after directions of W.P.(MD).No.25758 of 2022, still the unofficial respondents are not



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permitting the petitioner to perform pooja in the temple. Therefore, directions as sought for does not correct until the final decision is taken. However, the respondent Police stated to have not accorded the permission and kept the matter pending.

5.Learned Government Advocate (Criminal Side) on the other hand submits that basing on the representation dated 15.06.2023 of the petitioner, the police have issued summons on 02.07.2023 to the petitioner and the petitioner to appear before the Police on 07.07.2023. However, instead of appearing before the Police, the petitioner has prematurely approached this Court for directions.

6.Considering the circumstances, the respondent police is directed to dispose of the representation of the petitioner dated 15.06.2023 within a period of two weeks from the date of receipt of a copy of this order, basing on the directions of the Joint Commissioner, Commissioner and the Writ Petition, wherein, ultimately, the Hereditary Trustee was asked to appoint the Poojari temporarily until the dispute is resolved by a competent authority.



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7. With the above directions, the Writ Petition stands disposed of. No costs.

Consequently, the connected miscellaneous petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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Note : Issue order copy on 11.08.2023

To

1. The Superintendent of Police,
Dindigul District.
2. The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.



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DR.D.NAGARJUN, J.

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