



W.P.(MD)No.20114 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20114 of 2021

A.Selvanathan

... Petitioner

-VS-

1.The District Collector,
Office of the District Collector,
Sivagangai District.

2.The Tahsildar
Office of the Taluk Office,
Singampunari Taluk Office,
Sivagangai District.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai District.

... Respondents

[R3 is *suo motu* impleaded vide order of this
Court, dated 15.11.2023]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent herein to forthwith remove the lock of Manthaiamman Temple, which is situated at Vengapatti Village, North Valavu, Singampunari Taluk, Sivagangai District,



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and consequently, to permit all the Villagers to enter and worship the Deity in the Temple on the basis of joint representation given by the petitioner and the Villagers, dated 18.10.2021, within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu
For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

The Joint Commissioner, Hindu Religious and Charitable Endowments Department, Sivagangai District, is *suo motu* impleaded as third respondent in this Writ Petition. Ms.D.Farjana Ghoushia, learned Special Government Pleader takes notice on behalf of the newly impleaded third respondent.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, directing the second respondent to remove the lock and seal from the Manthaiamman Temple, situated at Vengapatti Village, North Valavu, Singampunari Taluk, Sivagangai District.

3. The grievance of the petitioner is that there was some dispute between two groups for conducting the Temple festival and the Peace



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Committee Meeting also did not yield any result and fearing law and order problem, the Temple was locked by the second respondent. According to the petitioner, the people in the Village want to worship the God and to that extent, the second respondent can be directed to open the Temple with a common Poojari, for conducting the Pooja. The representation made by the petitioner in this regard was not considered and hence, this Writ Petition was filed before this Court.

4. It is brought to the notice of this Court that already an application has been filed before the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Sivagangai District, in O.A.No.4 of 2015, which pertains to conducting the Temple festival and also offering of Pooja and the same is pending. In the meantime, since the Temple has been closed for more than two years, the petitioner is seeking for opening the Temple to enable the Villagers to worship the God.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is of the view that the Temple need not be kept under lock and key permanently.



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There shall be a direction to the newly impleaded third respondent to appoint a common Poojari, who will conduct the Pooja in the Temple. All the Villagers irrespective of their caste and creed will be permitted to worship the God and no one will claim any right to conduct any festival or Pooja in the Temple, since the dispute is pending before the third respondent in O.A.No.4 of 2015. If this arrangement goes on well without any law and order problem, it can be continued and the Villagers can be allowed to worship God. If any party raises any dispute and creates a law and order problem, it will be left open to the second respondent to once again close the Temple and keep it under lock and key. This Court expects that the consideration shown by this Court will be properly appreciated by the Villagers and they will ensure that the Temple is used only for worshipping the God and not to create any law and order problem. This process shall be completed by the respondents 2 and 3 within a period of six weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of in the above terms. No costs.

NCC : Yes/No
Index : Yes/No
SMN2

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N.ANAND VENKATESH, J.

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