



W.P.(MD)No.20993 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20993 of 2021

Arulmigu Ayyanar Temple,
E.Ramanathapuram Village,
Rep. by the Village representative,
K.Babu, S/o.Kandhari Muthu Kumar,
2/149, East Street, E.Ramanathapuram,
Elayirampennai, Sattur,
Virudhunagar District.

... Petitioner

-VS-

- 1.The District Collector,
Collectorate Office, Virudhunagar,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
R.D.O. Office, Vembakkottai Taluk,
Virudhunagar District.
- 3.The Tahsildar,
Vembakkottai Taluk, Virudhunagar District.
4. K.Murugesan
- 5.S.Sakthivel

... Respondents



W.P.(MD)No.20993 of 2021

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 not to disturb the peaceful possession of Paraiyar Communities in Worshipping the temple is in Survey No.65/1 to the extent of Hectares 0.22.5 in Poosan Oorani, E.Ramanathapuram Village, Elayirampennai, Vembakottai Taluk, Virudhunagar District and direct the respondents 1 to 3 to ensure that being a vulnerable communities is getting unfettered rights to worship the temple without disturbance of Higher Caste Hindu.

For Petitioner	:	Ms.M.Maria Vinola
For R1to R3	:	Mr.K.S.Selvaganesan Additional Government Pleader
For R4	:	Mr.K.Neelamegam

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 to 3 not to disturb the possession of the Temple in Survey No.65/1.

2. Heard the learned counsel appearing on behalf of the petitioner, the learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 and the learned counsel appearing on behalf of the fourth respondent.



W.P.(MD)No.20993 of 2021

3. The grievance of the petitioner is that nearly 150 families belonging to the Adi Dravidar community have been taking care of the Temple for a long period of time. The fourth respondent with a *mala fide* intention was attempting to displace the Temple and hence, had approached this Court and filed W.P.(MD)No.3412 of 2021 without adding the Temple as a party and has projected the case as if there is an encroachment on the Government land. The Division Bench by order dated 23.02.2021, disposed of the Writ Petition, by issuing certain directions. Based on the directions, an attempt is being made to remove the Temple. A representation was made in this regard and the same was not considered. It is under these circumstances, the present Writ Petition was filed before this Court.

4. The nature of grievance that has been raised by the petitioner, cannot be gone into in this Writ Petition. All these grounds that are being raised by the petitioner, must be put forth only before the Division Bench, which has passed the order in W.P.(MD)No.3412 of 2021. If any orders are passed by me in this Writ Petition, it may ultimately go against the directions issued by the Division Bench and judicial discipline requires that no orders are passed in this Writ Petition and liberty is granted to the petitioner to file a review



W.P.(MD)No.20993 of 2021

application, if so advised, before the Division Bench and put forth all the grounds.

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

NCC : Yes/No
Index : Yes/No
SMN2

16.11.2023

To

- 1.The District Collector,
Collectorate Office, Virudhunagar,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
R.D.O. Office, Vembakkottai Taluk,
Virudhunagar District.
- 3.The Tahsildar,
Vembakkottai Taluk, Virudhunagar District.



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W.P.(MD)No.20993 of 2021

N.ANAND VENKATESH, J.

SMN2

W.P.(MD)No.20993 of 2021

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