



W.P.(MD) No.22484 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and**

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.22484 of 2023

and

W.M.P.(MD) No.18741 of 2023

G.Elango

: Petitioner

-vs-

1.The District Collector,
Collectorate Buildings,
Trichy District.

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.

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

4.The Executive Officer,
Arulmigu Sri Kailashanathar Swamy Thirukovil,
T.Kalvikudi, Lalgudi Taluk,



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Tiruchirapalli District.

5.The Director,

Tamil Nadu Civil Supplies Corporation Head Office,
No.12, Thambhu Samy Street,
Kilpauk – 600 010.

6.The Regional Manager,

Tamil Nadu Civil Supplies Corporation Office,
Court Campus,
Tiruchirapalli District.

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the 1st to 4th respondents to take necessary action by forbearing the 5th and 6th respondents from utilizing the temple land “Arulmigu Sree Kailashanathar Temple” premises situated at T.Kalvikudi Village, Lalgudi Taluk, Tiruchirapalli District as Direct Purchase Centre.

For Petitioner : Mr.V.Selvaraj

For Respondents 1 to 4 : Mr.P.Thilak Kumar
Government Pleader

For Respondents 5 & 6 : Mr.C.Mohan Kumar

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]



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Mr.P.Thilak Kumar, learned Government Pleader takes notice for respondents 1 to 4 and Mr.C.Mohan Kumar, learned Counsel takes notice for respondents 5 and 6.

2.With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3.This writ petition is filed alleging that it is in public interest for issuance of a writ of Mandamus, directing the respondents 1 to 4 to take necessary action by forbearing the 5th and 6th respondents from utilizing the temple land of “Arulmigu Sree Kailashanathar Temple” situated at T.Kalvikudi Village, Lalgudi Taluk, Tiruchirapalli District as Direct Purchase Centre.

4.The petitioner is a resident of T.Kalvikudi Village, Alangudi Mahajanam Post, Lalgudi Taluk, Tiruchirapalli District. The petitioner appears to be the President of a political Organization, who is active in the area. The case of the petitioner is that there is a temple known as “Arulmigu Sree Kailashanathar Temple” at T.Kalvikudi Village and the temple is in existence for more than 100 years. The temple is a public temple and at present it is under the control of Hindu Religious and Charitable Endowments



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Department. The temple is under renovation with an estimated cost of nearly Rs.2 Crores.

5.The grievance of the petitioner is that the substantial land belonging to the temple is now utilised as a paddy procurement centre by the Civil Supplies Corporation namely respondents 5 and 6. The petitioner has made a representation to the respondents not to utilise the temple area for converting the same as procurement centre. The further grievance of the petitioner is that the renovation work and the daily pooja for the deities has now become difficult in view of the procurement of paddy and storage of paddy in the temple land.

6.Learned Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that a portion of the temple property is used temporarily for the purpose of procuring paddy and storing the same to cater to the needs of farmers in the village and neighbouring villages. It is the further case of the respondents that vacant land is still available for regular activities in the temple.

7.Having regard to the fact that a portion of the temple land is now used by the respondents only for a public purpose, this Court finds no



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public interest involved in this writ petition. The petitioner may be as a single man is annoyed by the procurement of paddy by utilising the temple land. This will not be opposed by any public, having regard to the object. Since it is stated that storage of paddy is on temporary basis for a temporary period, this Court is unable to pass any prohibitory order or an order of injunction against the respondents 5 and 6 from utilising the temple land.

8.With the observation and direction to the official respondents to see that sufficient space is made available for the temple and worshippers to gather and celebrate any festival, the respondents 5 and 6 are permitted to use the minimum space that is required for the procurement and storage of paddy temporarily.

9.Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

[S.S.S.R., J.]

[D.B.C., J.]

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



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S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

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