



W.P. (MD) No. 11035 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEAVALU

W.P. (MD) No. 11035 of 2017

and

W.M.P. (MD) Nos. 8456 and 9648 of 2017

1.Gnanasundaravel

2.Sadayandi

... Petitioners

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
West Chithirai Street, Madurai 01.

2.The Deputy Commissioner,
Hindu Religious and Charitable Endowments Department,
Pandian Nagar, Dindigul.

3.The Superintendent of Police,
Nilakottai, Dindigul District.

4.The Inspector of Police,
Vathalagundu Police Station,
Nilakottai Taluk, Dindigul District.

5.R.Ravisankar

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to permit the petitioners to worship in the Mallaiyasamy Temple, Atchanampatti, Nuthulapuram, Nilakottai Taluk, Dindigul District.

For Petitioners : M/s. T.R.Jeyapalam

For Respondents : Mr. P.Subbaraj,
Special Government Pleader
(for R1 & R2)

Ms. M.Aasha,
Government Advocate (for R3 & R4)

Mr. K.Rajmohan
for Dhan Law Associates (for R5)

ORDER

Heard Mr. T.R.Jeyapalam, Learned Counsel for the Petitioners and Mr. P.Subbaraj, Learned Special Government Pleader for the First and Second Respondents, Ms. M.Aasha, Learned Government Advocate for the Third and Fourth Respondents and Mr. K.Rajmohan, Learned Counsel appearing for the Fifth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Writ Petition has been filed for directing the First to Fourth Respondents to permit the Petitioners to worship in Mallaiyasamy Temple, Atchanampatti, Nuthulapuram, Nilakottai Taluk, Dindigul District.

3. While Learned Counsel appearing for the Petitioners informs that the First Petitioner has died on 16.10.2019 and a memo to that effect has been filed, Learned Government Advocate appearing for the Third and Fourth Respondents, on instructions, states that daily Poojas of the said Temple are conducted by the Second Petitioner, and that the Fifth Respondent is not preventing him to do so, and he has made an endorsement to that effect has been made in the court record.

4. It is represented by Learned Counsel for the Fifth Respondent that in respect of the claim made by the Petitioners for conduct of Poojas in the said Temple, a suit in O.S. No. 106 of 2016 is pending before the District Munsif Court, Nilakottai, in which the Second Petitioner and the legal heirs of the First Petitioner could be impleaded as Defendants and as such, the dispute now raised by them could be determined therein.



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5. Having regard to the aforesaid submissions made, nothing remains for further consideration in the Writ Petition, but it would not preclude the Second Petitioner and the legal heirs of the First Petitioner from working out their rights in the aforesaid suit and no view is expressed by this Court on the merits of the controversy in that regard.

In the result, this Writ Petition is disposed with the aforesaid clarification. No costs. Consequently, connected Miscellaneous Petitions are closed.

03.02.2023

Index : Yes/No

Internet : Yes/No

Note: Issue order copy by 26.05.2023.

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TO:

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P.D.AUDIKESAVALU,J.

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