



W.P.No.2319 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.2319 of 2020
and W.M.P.No.2685 of 2020**

P.Pazhanivel

... Petitioner

Vs.

- 1.The District Collector,
Collectorate, Namakkal District.
- 2.The Executive Magistrate-cum-Revenue
Divisional Officer,
Thiruchengodu Taluk,
Namakkal District.
- 3.The Executive Officer,
Periya Mariyamman Temple,
Hindu Religious and Endowment Board,
Maamundi Village, Thiruchengodu Taluk,
Namakkal District.
- 4.The Inspector of Police,
Malla Samuthiram Police Station,
Namakkal District.
- 5.E.Madheshwaran

....Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records from the second respondent pertaining to the impugned order in Moo.Mu.No.902/19/c dated 01.11.2019 and quash the same and consequently, to direct the official respondents to open Arulmighu Mariyamman Temple and permit the people to worship the God.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.U.Baranidharan
Additional Government Pleader
for R1 and R2
Mr.K.Karthikeyan
Government Advocate (HR & CE)
for R3
Mr.S.Sivakumar for R5

O R D E R

This Writ Petition has been filed challenging the impugned order dated 01.11.2019 issued in Moo.Mu.No.902/19/c by the second respondent and for a consequential direction to the official respondents to open Arulmighu Periya Mariyamman Temple and permit the people to worship the God.



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2. The learned counsel appearing for the petitioner submits that the petitioner is a resident of Maamundi Village and worshiper of Arulmighu Periya Mariyamman Temple and due to dilapidated condition, a new Temple was constructed and the deity was removed from the old Temple and it was installed in the new Temple, however, the petitioner and others were prevented from worshipping the god. The issue was landed before the second respondent and the second respondent has passed the impugned prohibitory order preventing all the persons to enter into the Temple. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submits that the petitioner is not claiming any hereditary right or management of the Temple and he wants to worship the God.

4. The learned counsel appearing for the respondent No.5 submits that the subject Temple is a private Temple belonging to other community



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people of Maammundi Village, for which, the fifth respondent has filed an application under Section 63 of Hindu Religious and Charitable Endowments Act before the Joint Commissioner and the said application is pending. However, the learned counsel, on instructions, submits that the fifth respondent has no objection to allow the petitioner to worship the God.

5. The learned Additional Government Pleader appearing for the first and second respondents submits that if any application filed by the fifth respondent is pending before the Joint Commissioner, the same will be considered and appropriate orders will be passed.

6. In view of the submissions made by both sides, there shall be a direction to the official respondents to allow the petitioner and other devotees to worship Arulmighu Periya Mariyamman Temple and take a decision in the application, if any, filed by the fifth respondent, after providing sufficient opportunity to the concerned parties as expeditiously as possible.



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7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

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- 4.The Inspector of Police,
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M.DHANDAPANI, J.

ssb

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