



W.P.No.7935 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.7935 of 2022
and
W.M.P. No.7929 of 2022

M.D. Raju

.. Petitioner

Versus

- 1.The District Collector,
Tiruppur District, Tiruppur.
- 2.The Assistant Commissioner,
HR & CE Department, Tiruppur.
- 3.The Revenue Divisional Officer,
Udumalpet, Tiruppur District.
- 4.The Tahsildar,
Madathukulam Taluk, Tiruppur District.
- 5.The Revenue Inspector,
Madathukulam Taluk, Tiruppur District.
- 6.The Village Administrative Officer,
Sankaramanallur South Village,
Madathukulam Taluk, Tiruppur District.

7.Ramasamy

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records in Na.Ka.No.3765/2015/A2, dated 31.10.2020, and to quash the order passed by the fourth respondent, Tahsildar, Madathukulam Taluk, Tiruppur District.

For Petitioner : Mr. E. J. Ayyappan

For Respondents : Mr. U. Baranidharan, AGP, (for R1, R3 to R6)
: D. R. Arunkumar, (for R7)
: Mr. S. Ravichandran, AGP (HR&CE), (for R2)

ORDER

Challenging the order passed by the fourth respondent in Na. Ka. No.3765/2015/A2 dated 31.10.2020, this Writ Petition is filed.

2. The case of the petitioner is that Temple known as Sri Mahaganapathi, Sri Mahamariamman Thirukovil were constructed partly on the land belonging to the petitioner's wife situated in S.No.473/2A of Aathur, Sankaramanallur South Village, Madathukulam Taluk, Tiruppur District. According to the petitioner, the said land is originally belonged to his father-in-law's forefathers in which, they constructed a private Temple for their community people to worship. Later, they allowed public to worship the deity in the said private Temple. Being old construction, the petitioner decided to renovate the



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said Temple and arranged to conduct Kumbhahisekham celebration. At this juncture, some third parties excavated 4 huge craters measuring about 6 feet in diameter in front of Maha mandapam of the Temple. In this context, a complaint was given by the public based on which an enquiry was conducted by the Village Administrative Officer. However, by citing the complaint given by the public, the fourth respondent stopped the Kumbhahisekham celebration at the eleventh hour. Earlier, the petitioner had approached this Court by way of filing a Writ Petition No.15122 of 2016 and by order dated 28.02.2019 this Court closed the petition with a direction to the fourth respondent to conduct a peace committee meeting. The fourth respondent did not obey the said order, therefore, the petitioner filed a Contempt Petition No.538 of 2020, wherein, this Court directed to conduct peace committee meeting and to file a report. As directed by this Court the peace committee meeting was conducted on 31.10.2020, and a report was submitted by the fourth respondent and the said contempt was closed. As per the report dated 31.10.2020, factually incorrect statements have been recorded against the petitioner. Therefore, aggrieved by the order of the fourth respondent, the petitioner has filed the present Writ Petition before this Court.

3. Learned counsel for the petitioner has submitted that the Temple is a

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private temple and it is not functioning under the Tamil Nadu Hindu Religious and Charitable Endowments Department. However, the fourth respondent is interfering and preventing the petitioner from conducting Kumbhabhisekham of the private Temple. The Temple was constructed in the land belonging to the petitioner's wife and Patta also stands in the name of the petitioner's wife. Therefore, preventing the petitioner to conduct Kumbhabhisekham on the that there is a law and order problem would violate the fundamental rights guaranteed to the petitioner under Article 14 of the Constitution of India. Therefore, he prayed to allow the Writ Petition by setting aside the order of the fourth respondent.

4. Heard learned counsel appearing for all the parties and perused the materials placed on record.

5. Though very many grounds have been raised, the issue involved in the present case is purely a civil dispute in between the petitioner and the 7th respondent and the same cannot be entertained under Article 226 of the Constitution. The petitioner has to provide evidence to establish their rights over the temple land and their entitlement to perform Kumbabhiskhegam. In this situation, this Court cannot conduct a roving enquiry in exercising the



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powers conferred under Article 226 of The Constitution of India. Therefore, the Writ Petition is dismissed. However, the petitioner is at liberty to file appropriate suit before the jurisdictional Civil Court against the 7th respondent or others to workout his remedy in a manner known to law.

6. Accordingly, this Writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

26.09.2024

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
klt

To

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M.DHANDAPANI, J.,

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