



W.P.No.12738 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.12738 of 2024

A.Chinnasamy.

... Petitioner

/versus/

1. The District Collector,
Salem District.
Salem.
2. The District Revenue Officer,
O/o.The District Revenue Office,
Salem District.
Salem.
3. The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Sankagiri,
Salem District.
4. The Tahsildar,
Sankagiri Taluk Office,
Sankagiri,
Salem District.
5. The Superintendent of Police,
District Police Office,
Salem District,
Salem.
6. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Sankagiri, Salem District.



W.P.No.12738 of 2024

7. The Inspector of Police,
Sankagiri Police Station,
Sankagiri,
Salem District.

8. Mr.Kandasamy,
9. Mr.Palanisamy,
10. Mr.Balakrishnan,
11. Mr.A.P.Kandasamy.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 7 to conduct proper enquiry on taking appropriate action on the respondents 8 to 11 for the act and activities of disturbances and obstructions to the Temple's constructions, thereby provide appropriate Police protection by the respondents 5 to 7 for completion of Gubram and Gubra Kalasam and its entire constructions work of A/M Shri kamatchi Amman Kovil situated at Valaiyachettipalayam, Kottavarathapatti Village, Sankagiri Taluk, Salem District in a full fledged manner and do the Temple's Kumbabishekam, pursuant to the representation of the petitioner dated 24-02-2024 made to the respondents 1 to 7 and pass on the same within the time frame fixed by this Hon'ble Court

For Petitioner : Mr.S.Srinivasan

For R1 to R7 : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

For R8 to R11 : Mr.K.Palaniswami.



W.P.No.12738 of 2024

ORDER

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The petitioner herein is one of the Kula-Pangaligal who has purchased a piece of land in the year 2010 and started constructing Kamatchi Amman Temple in their village. Unfortunately, due to misunderstanding between the members of the Kula-Pangaligal, had stopped the on going construction.

2. The petitioner herein is before this Court stating that the Temple is nearly 100 years old. Initially, the petitioner's father Annamalai was the 'Dharma-kartha' of the said Temple and subsequent to the demise of his father, he is acting as 'Dharma-kartha' of the Temple. While the Kula Pangaligal decided to construct a temple, all the members have contributed for the construction. However, the construction activities was disturbed by the respondents 8 to 11. In this connection, a representation dated 24.07.2024 was given to the authorities who has shown as respondents 5 to 7, however no action was taken.

3. The 11th respondent has filed counter on his behalf and on behalf of the respondents 8 to 10. The Inspector of Police, Sankagiri has filed counter on behalf of the respondents 5 to 7. From this counter as well as the rejoinder



W.P.No.12738 of 2024

filed by the petitioner, it appears that the Temple under construction which is almost 80% completed, has come to stalemate due to misunderstanding between the community members. In this connection, the petitioner herein has given a representation during the month of February – 2024 and thereafter, peace committee meeting was conducted on 11.07.2024 and the parties have arrived the terms as below:-

“1. The petitioner and respondents 8 to 11 have agreed to continue the construction work with the adding Chinnusamy from the "A" party and Muthaiyan from the "B" Party

2. In Sri Kamatchi Amman Temple all the members have agreed to visit Kanchipuram Sankar Madam and take the decision regarding changing the construction as per their advice regarding changing the two-level Gopuram

3. Both Kandasamy in the "A" party and petitioner in the "B" party has agreed to take care of the money collection till the end of the Kumbashishekam and after the festival, the other accounts will be settled

4. Both sides have accepted that they will not make any problems during Kumbabhisekam, the temple



inauguration and settling the account. Then they will peacefully conduct themselves”

4. Though there was some consensus arrived between the two groups, later respondents 8 to 11 has given a representation alleging that the petitioner herein is not cooperating and he has not produced the accounts.

5. The Learned Counsel appearing for the petitioner submits that he is always ready to render the account but the respondents 8 to 11 went upon to torpedo the completion of investigation by making false allegations.

6. The counter affidavit filed on behalf of the respondents 8 to 11 goes to show that they are not ready to recognise the petitioner herein as “Dharma-kartha”. According to them, after the demise of his father, the petitioner were only allowed to be in-charge of the Temple and look after the income and expenditure of the Temple. However, the petitioner has not disclosed the account and always reluctant to disclose the account of income and expenditure of the Temple. A sum of Rs.22,54,944/- as on 10.07.2023 was collected from the Kula Pangaligal, but the petitioner has not come forward to render account for those amount.



W.P.No.12738 of 2024

7. The averments and the counter averments would clearly disclose

the fact that the petitioner and the respondents 8 to 11 are at loggerhead in respect of completing the construction of the Temple and conducting the kumbabishekam. The reluctance shows by the petitioner to disclose the account of income and expenditure of the Temple is the main cause and from the counter filed by the State, it appears that due to non-furnishing of the accounts by the petitioner herein, the respondents 8 to 11 has again given a representation to the Authorities to take action against the petitioner.

8. In the said circumstances, this Court finds that the representation dated 24.02.2024 given by the petitioner herein been considered by the Tahsildar and terms of agreement between two groups been arrived as stated above. It is for the petitioner herein to abide by the terms of agreement to which he is a party. Hence, there is no necessity to pass any further orders expect to direct the petitioner herein to abide by the terms of agreement entered during the peace committee meeting and reduced into writing on 11.07.2024 and proceed with the construction work of the Temple along with the members of B-party.

9. With this observation, this Writ Petition is disposed of. No costs.

28.08.2024



W.P.No.12738 of 2024

Index : Yes/No.

Neutral Citation : Yes/No.

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4. The Tahsildar, Sankagiri Taluk Office, Sankagiri, Salem District.
5. The Superintendent of Police, District Police Office, Salem District, Salem.
6. The Deputy Superintendent of Police, Office of the Deputy Superintendent of Police, Sankagiri, Salem District.
7. The Inspector of Police, Sankagiri Police Station, Sankagiri, Salem District.
8. The Public Prosecutor, High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN, J.

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W.P.No.12738 of 2024

W.P.No.12738 of 2024

28.08.2024