



W.P.No.27721 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

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THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.27721 of 2024

and

WMP.Nos.30234 & 30235 of 2024

K.A.Shanmugasundaram

...Petitioner

Vs.

1. The District Collector,
Namakkal District, Namakkal.
2. The Revenue Divisional Officer,
Namakkal, Namakkal District.
3. The Revenue Tahsildar,
Rasipuram, Namakkal District.
4. Rasipuranadu Vizhiyankula Kongu Nattu Goundargal Welfare Trust,
Rep. By its President,
Parakkal Pudur, Kurukkapuram Post,
Rasipuram Taluk, Namakkal District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the 3rd respondent dated 16.05.2024 in Na.Ka.No.361/2024/A2 and the consequential order of the 2nd respondent dated 28.08.2024 and quash



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the same and consequently direct the 2nd respondent to forthwith decide the Appeal of the petitioner dated 31.07.2024 on merits and in accordance with law as per the order of this Honourable court dated 28.08.2024 in W.P.No.24756 of 2024.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.U.Baranidharan, AGP, for R1 to R3

ORDER

This Writ petition has been filed seeking quashment of the order of the 3rd respondent dated 16.05.2024 in Na.Ka.No.361/2024/A2 and the consequential order of the 2nd respondent dated 28.08.2024 and to consequently direct the 2nd respondent to forthwith decide the Appeal of the petitioner dated 31.07.2024 as per the order of this Court dated 28.08.2024 in W.P.No.24756 of 2024.

2. Mr.U.Baranidharan, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 3. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final disposal at the admission stage itself.



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3. Since no adverse order is being passed against the 4th respondent, notice to the 4th respondent is dispensed with.

4. The case of the petitioner is that, the petitioner is the Executive Committee member of the 4th respondent trust, which was established in the year 2012 and the said Trust has established Sri Athanur Amman Temple and even before the construction of the said temple, a small structure with asbestos roof was put up by the trust and the entire Rasipura Nadu Vizhiyankula Kongu Nattu community people were worshipping in the temple and the petitioner had donated 111 Kg. of Bronze Bell to the temple. While so, the 4th respondent and their men attempted to put up a “Mani Mandapam” and attempted to melt the above said bell donated by the petitioner's family. Thereby, the petitioner made a complaint before the Revenue Tahsildar, Rasipuram, who in turn conducted Peace meeting and, vide order dated 16.05.2024 directed the temple administrators not to construct the “Mani Mandapam”. Despite the said order, the 4th respondent once again attempted to put up the “Mani Mandapam” and to melt the bell given by the petitioner's family. Thereafter, the Tahsildar, after conducting



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enquiry between the parties, vide order dated 16.07.2024 held that the dispute with regard to installation of Bell, construction of Mani Mandapam shall be decided in the General Body Meeting of the trust, aggrieved by which, the petitioner preferred an appeal before the Revenue Divisional officer, and pursuant to the order of this Court dated 28.08.2024 made in W.P.No.24756 of 2024, the Revenue Divisional Officer, conducted a peace meeting among the parties and without conducting any enquiry, passed the impugned order dated 28.08.2024, confirming the order of the Tahsildar. Challenging the same, the petitioner has come up with this writ petition.

5. Heard learned counsel on either side and perused the materials available on record.

6. Though very many grounds have been raised by the learned counsel for the petitioner against the impugned orders, as the disputed temple is a private temple and the same does not comes under the control of HR & CE and the issue involved in the present case is purely a civil dispute, the same cannot be entertained under Article 226 of the Constitution and the same has to be ventilated before the competent civil forum. Therefore, this



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Court, without interfering with the impugned orders, while dismissing this Writ petition, grants liberty to the petitioner to approach the competent civil court to workout his remedy in the manner known to law.

7. Accordingly, this Writ petition stands dismissed with the aforestated liberty. No costs. Consequently, the connected Miscellaneous petitions are closed.

18.09.2024

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

To

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2. The Revenue Divisional Officer,
Namakkal, Namakkal District.
3. The Revenue Tahsildar,
Rasipuram, Namakkal District.

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M.DHANDAPANI, J.

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