



W.P(MD)No.910 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.910 of 2022

and

W.M.P.(MD).No.748 of 2022

Thangadurai

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai – 625 020.
- 2.The District Revenue Officer,
District Revenue Officer Office,
District Collector Office Campus,
Madurai – 625 020.
- 3.The Revenue Divisional Officer,
Revenue Divisional Officer Office,
Usilampatti,
Madurai District.
- 4.The Thasildar,
Peraiyur Taluk,
Madurai District.
- 5.The Thasildar,
Usilampatti Taluk,
Madurai District.



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6.Karuppaiah

... Respondents

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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining the impugned order proceedings in Na.Ka.No.2479/2021/A1 dated 27.11.2021 and quash the same as illegal and consequently direct the third respondent to allow the petitioner to perform as Poosari (priest) to the Sri Palla Karuppasamy Temple situated at Udkadai Santhaipatti, Vagurani Village, Usilampatti Taluk, Madurai District within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.5

Mr.R.J.Karthick for R.6

ORDER

Heard both sides.

2.The learned counsel appearing for the private respondent submitted that the issue has been amicably resolved.

3.The learned counsel appearing for the petitioner is not having instructions in that regard. The petitioner's counsel however emphasised that the impugned order has to be set side as one lacking in jurisdiction.



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Vide order dated 27.11.2021, the Revenue Divisional Officer, Usilampatti had directed that one Chinnakaruppan can continue as temple priest. Such a direction could not have been given by the revenue authority. The revenue authority cannot select one as the temple priest. That apart, the Revenue Divisional Officer passed binding directions in the peace committee meeting. He could not have done so. He should have invoked the provision set out in Cr.P.C and given appropriate directions as per law. Such a course of action was not adopted. It is for this technical reason, I set aside the impugned proceedings. I however reiterate that the outcome of this writ petition will not have any bearing on the current developments. The parties are at liberty to establish their rights before the jurisdictional civil Court or any other appropriate forum. I have not decided the issue on merits.

4.This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA



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G.R.SWAMINATHAN,J.

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