



W.P(MD)No.3747 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3747 of 2024

N.Jeyachandran

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Madurai District,
Madurai-625 020.

2.The District Revenue Officer,
District Collectorate Campus,
Madurai District,
Madurai-625 020.

3.The Revenue Divisional Officer,
Melur Division,
at Vellaripatti,
Madurai-625 122.

4.S.A.Jayachandran
S/o.Arumugam,
4/91R, Viraganoor,
Main Road,
Madurai-625 009.

(R4 is *suo motu* impleaded
by this Court vide order dated 19.02.2024)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to direct the 3rd respondent to



W.P.(MD)No.3747 of 2024

consider the petitioner's representation dated 02.02.2024 to complete his ongoing enquiry and to permit him to perform the Sivarathri Pooja on 08.03.2024 and Yearly Kalari Pooja on 22.04.2024 as per clan custom of Sree Brahmahathi Theertha Iyer, Karuppannaswamy and Thathan Thirukoil, situated at Ramanathapuram Road, Viraganur, Madurai - 625 009, within a time frame as may be fixed by this Court.

For Petitioner : Mr.L.Shaji Chellan

For Respondents : Mr.S.Kameshwaran
Government Advocate for R1 to R3
: Mr.K.Jeyamohan for R4

ORDER

The issue concerns the celebration of Sivarathri festival on 08.03.2024 and Kalari festival on 22.04.2024. There appears to be some dispute between the petitioner on the one hand and the impleaded respondent on the other. The issue has been referred to the RDO, Melur. It is not known if the RDO is proposing to issue proceedings under Section 145 of Cr.P.C or the RDO is proposing to hold the Peace Committee Meeting. It is brought to my notice by the learned counsel appearing for the impleaded respondent that the impleaded respondent already filed W.P.(MD)No.15475 of 2022 and the writ petition was disposed of in the following terms:-



W.P(MD)No.3747 of 2024

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“2. The learned counsel for the petitioner submitted that Sri Brammahathi Theertha Iyer, Sri Karuppanasamy and Sri Thathan Samy Temples are situated at our village, nearby the petitioner's home, which belongs to certain group of people (Pangaligal) belonging to our community. The respondents 5 and 6 are creating problems with regard to the administration of the temple and are trying to take the properties of the temple and receive income out of the said properties. The temples' account details were not submitted by them and they have misappropriated a huge amount. Hence, the petitioner filed a suit in O.S.No.13 of 2016, before the District Munsif, Madurai and the same is pending. Meanwhile, the respondents 5 and 6 are misusing the funds and hence the petitioner gave a complaint on 05.07.2022, to the respondent police to take action against the respondents 5 and 6. The respondent police have not taken any action and therefore, the present Writ Petition has been filed.

3. The learned Government Advocate (Criminal Side) appearing for the respondents 1 to 4 submitted that after receiving the complaint of the petitioner in C.S.R.No.351 of 2022 on 09.07.2022, the respondent 5 & 6 also gave complaints in C.S.R.Nos.364 of 2022 and 365 of 2022, dated 17.07.2022 and 13.07.2022 respectively, against this petitioner. Since both parties claim right over the property and there is a dispute between 1000 persons of the same community with regard to the temples on its properties, the Inspector of Police requested the Revenue Divisional Officer (RDO) to conduct the enquiry and the same is pending.

4. The learned counsel for the petitioner submitted that the petitioner is ready to participate and co-operate for the enquiry.

5. The learned counsel appearing for the respondents 5 and 6 submitted that they gave an application against this petitioner alleging that the petitioner has encroached the temple property and the said complaint was also received by the respondent police and assigned C.S.R.No.365 of 2022 on 13.07.2022.

6. Recording the same, the Revenue Divisional Officer is directed to conduct enquiry, within a period of two weeks from the date of receipt of a copy of this order and resolve the dispute between the parties.”

2. The learned Government Advocate informs the Court that both the parties have been directed to appear before the RDO, Melur on 26.02.2024 at



W.P(MD)No.3747 of 2024

03.00 pm. The RDO shall endeavor to amicably resolve the issue. It is always open to the RDO to invoke the statutory power if peaceful resolution could not be arrived at. I make it clear that I have not gone into the merits of the matter. The contentions of both the parties are left open. The Writ Petition is disposed of accordingly. No costs.

19.02.2024

Index : Yes / No
Internet : Yes/ No
rmi

NOTE:Issue Order Copy on 22.02.2024

To

- 1.The District Collector,
District Collectorate,
Madurai District,
Madurai-625 020.
- 2.The District Revenue Officer,
District Collectorate Campus,
Madurai District,
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- 3.The Revenue Divisional Officer,
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W.P(MD)No.3747 of 2024

G.R.SWAMINATHAN, J.

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W.P(MD)No.3747 of 2024

19.02.2024