



W.P(MD)No.4243 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4243 of 2024

and

W.M.P.(MD)Nos.4092 and 4093 of 2024

Periya Poosari P.Jeyakumar,
Ochandamman Angalayyan Kannayee
Poonkanni Ponnangan Temple,
Karisalpatti, Karumathur Post,
Usilampatti Taluk, Madurai District.

... Petitioner

Vs.

- 1.The Thasildar,
Usilampatti,
Madurai District.
- 2.The Deputy Superintendent of Police,
Usilampatti Range,
Madurai District.
- 3.The Inspector of Police,
Chekkanoorani Police Station,
Madurai District.
- 4.M.C.Pandi
- 5.T.Arivendran
- 6.M.Chandran
- 7.P.Manimaran
- 8.P.Pandi
- 9.A.Pandi

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in Na.Ka.No.473/2022/C2 dated 16.09.2022 and the consequential impugned order passed by the 1st respondent in Na.Ka.No.11/2024/E2 dated 14.02.2024 and quash the same as illegal and consequently direct the respondent Nos.2 and 3 not to interfere with the dispute of Poojariship of the Ochandamman Angalayyan Kannayee Poonkanni Ponnangan Temple as it a pure civil dispute in nature.

For Petitioner : Mr.M.E.Ilango

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R2 & R3.
Mr.K.R.Laxman for R4.
Mr.K.Govindarajan,
For Mr.R.Murali for R5 to R9.

ORDER

Heard both sides.

2.The question before this Court is who should be the periya poojari of the petition mentioned temple. The fourth respondent herein filed



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W.P.(MD)No.1814 of 2022 for police protection so as to enable him to discharge his duty as poojari. This Court vide order dated 08.03.2022 disposed of the writ petition in the following terms:-

“4.In view of the above, the Tashildar, Usilampatti is directed to conduct enquiry with regard to the dispute between the petitioner and the respondents 4 to 8, in respect of their poojariship in Karumathur Ochandamman Temple, Karumathur, Usilampatti Taluk, Madurai District, after issuance of notice to the petitioner and the respondents 4 to 8 and dispose the matter, within six weeks, from the date of receipt of a copy of this order. It is made clear that if the dispute with regard to the right of performing poojariship, the petitioner has to approach the civil Court for appropriate relief.”

Pursuant to the said direction, the Tahsildar, Usilampatti issued proceedings dated 14.02.2024. The Tahsildar had directed that the persons belonging to Mathayanai vakaiyara will be entitled to officiate as periya poojari. This order is put to challenge in this writ petition.

3.The Tahsildar, Usilampatti has no jurisdiction whatsoever to pass an order recognizing a particular branch as entitled to select the priest in question.

The learned counsel for the impleaded respondents strongly contended that the



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Tahsildar did not act on his own but only pursuant to the direction given by this Court in exercise of its writ jurisdiction.

4.I have two remarks to make here. If an authority is not otherwise possessed of jurisdiction, the Writ Court cannot confer jurisdiction on him. A careful reading of the order passed by this Court clearly indicates that the revenue authority had been called upon to relegate the parties to go before the jurisdictional Civil Court in the event of there being a dispute as to who should be the poojari. That apart, the Tahsildar passed the impugned order following the peace committee meeting conducted among the various branches. I have consistently been holding that a peace committee meeting decision is bereft of legal value or consequence.

5.In this view of the matter, the order impugned in this writ petition is set aside. The revenue authorities as well as police authorities will keep away. If the revenue authority wants to interfere, he has to follow the procedure set out in Criminal Procedure Code. Likewise if any cognizable offence is committed, the jurisdictional police are not only at liberty but are duty bound to register an FIR. The outcome of this writ petition will not mean that this Court had endorsed the claim of the writ petitioner.



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6.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

28.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

- 1.The Thasildar,
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Madurai District.
- 2.The Deputy Superintendent of Police,
Usilampatti Range,
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G.R.SWAMINATHAN, J.

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