



W.A.(MD)No.840 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.06.2024

CORAM

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.840 of 2024
and
C.M.P.(MD)No.6266 of 2024**

R.R.P.Nagarajan Achari

... Appellant

vs

**1.The District Collector,
The Collectorate, Madurai District.**

**2.R.Dhakshinamoorthy Achari
3.V.Muthu Achari
4.M.Ponnuchamy Achari
5.K.Murugesan
6.P.Nagarajan
7.L.Ravikumar
8.R.Kaliselvam
9.Nandakumar**

...Respondent

**PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside
the order of this Court dated 01.12.2023 passed in W.P(MD)No.23407 of
2015.**



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W.A.(MD)No.840 of 2024

For Appellants : Mr.R.Manoharan
For R1 : Mr.A.Kannan
Additional Government Pleader
For R2 : Mr.R.Saravanan

JUDGMENT

(Judgment of this Court was delivered by **G.ARUL MURUGAN, J.**)

This Writ Appeal is filed challenging the order, dated 01.12.2023 in W.P.(MD)No.23407 of 2015, whereby, the Writ Court passed orders appointing two Advocate Commissioners as Election Officers to conduct election to elect Trustees for the administration of Arulmighu Sri Veerateeswarar Periya Nayinar Temple, Madurai.

2.The brief facts involved in this appeal is that Arulmighu Sri Veerateeswarar Periya Nayinar Temple, Madurai is a private Temple established and maintained by a particular community, namely, Vishwakarma community. The Temple has been declared as a denominational Temple by the judgment and decree of the civil Court, dated 24.10.1977, in O.S.No.91 of 1975. Even though in the said suit, the character of the Temple was declared as denominational Temple, no scheme was framed for the administration of the Temple.



W.A.(MD)No.840 of 2024

WEB COPY

3. In the Vishwakarma community, there are three groups, namely, Maadhakka Vaguppar, Mallayanayinar Kovilar and Neenda Karaiyar. From among the three groups, eight trustees were to be selected, out of which, four trustees will be from Maadhakka Vaguppar, two trustees will be from Mallayanayinar Kovilar group and other two trustees will be from Neenda Karaiyar group. Out of the eight trustees, the Managing Trustees would be selected from Maadhakka Vaguppar group and the Treasurer would be selected from Mallayanayinar Kovilar group. There had been some disputes in the administration of the Temple in respect of the post of Managing Trustee. While the Mallayanayinar Kovilar group and Neenda Karaiyar group claimed that the post of Managing Trustee must be allotted on rotational basis among all the three groups, Maadhakka Vaguppar group claimed that the post of Managing Trustee is exclusively reserved for them.

4. Due to the disputes among three groups, poojas and functions were not performed for the Deity of Arulmighu Sri Veerateeswarar Periya Nayinar Temple and therefore, the three groups approached the District Collector for providing necessary security for conducting poojas and



W.A.(MD)No.840 of 2024

functions of the Temple. However, the District Collector/first respondent, by order, dated 26.11.2015, restrained all the three groups from conducting any functions, as no consensus was arrived at and has held that the security could be provided only after a consensus is arrived at among the rival groups. Challenging the order of the District Collector, the Writ Petitioner/second respondent has filed the Writ Petition.

5.Before the Writ Court, the learned Counsels appearing for the rival parties, after deliberation, arrived at a consensus and filed a joint compromise memo, dated 27.11.2023 agreeing to several terms. However, some of the private respondents having reservation about few clauses in the compromise memo, have not signed the joint compromise memo.

6.The Writ Court having found that the only issue where consensus were not arrived, was in respect to the voting and contesting of the women in the village, as an interim arrangement to give a quietus to the issue, taking note of the fact that poojas to the Deity has not been conducted for the past seven years, modified certain clauses in the compromise arrived at and thereby, appointed two Advocate Commissioners as Election Officers to



W.A.(MD)No.840 of 2024

prepare the voters list and conduct election to select the Trustees.

Challenging the order passed by the Writ Court, the second respondent in the Writ Petition has preferred the above Writ Appeal.

7.The learned Counsel appearing for the appellant contended that even though the parties had arrived at a consensus, in respect of the voting and contesting of the women in the election, no consensus was arrived. But, however, the learned Judge has modified the clauses in the compromise memo and have permitted certain class of women alone to vote and contest in the election, while preventing the other classes of women, which will go against the interest of the contesting parties. It is his further contention that if the mode, as suggested by the Writ Court, is accepted, then two of the groups will not get an opportunity to have a Managing Trustee and thereby, their rights will be affected.

8.Heard Mr.R.Manoharan, learned Counsel appearing for the appellant, Mr.A.Kannan, learned Additional Government Pleader appearing for the first respondent and Mr.R.Saravanan, learned Counsel appearing for the second respondent and perused the materials available on record.



W.A.(MD)No.840 of 2024

WEB COPY

9.It is not in dispute that Arulmighu Sri Veerateeswarar Periya Nayinar Temple, Madurai, is a private denominational Temple established and maintained by Vishwakarma community. The Temple has been declared as a denominational Temple by the judgment and decree of the civil Court in O.S.No.91 of 1975 as early as on 24.10.1977. However, no scheme has been framed in respect of the administration of the Temple and admittedly, there being three groups among the Vishwakarma community, namely, Maadhakka Vaguppar, Mallayanayinar Kovilar and Neenda Karaiyar. Eight Trustees were being selected and out of which, four are from one group and four are from the two other groups.

10.In respect of the post of Managing Trustee, there had been a dispute among the three groups. When two groups claimed that the post of Managing Trustee will be on a rotational basis, one group claims that the post of Managing Trustee exclusively reserved for them. In view of the dispute among the three groups, poojas and functions were not able to be conducted, which lead to the groups to approach the District Collector for providing protection. The District Collector after conducting an enquiry



W.A.(MD)No.840 of 2024

having found that no consensus was able to be arrived at in the peace committee meeting, issued orders that only if a consensus is arrived at, necessary protection will be afforded and till such time, no festival or poojas shall be conducted without prior orders.

11.The Writ Court after finding that the Temple is closed and no poojas and festival has been conducted for the Deity for several years, suggested the parties to resolve the dispute, which ultimately, leading to filing of a joint compromise memo, dated 27.11.2023, on the following terms:

“1.The following are the posts, under which the Temple is functioning

- 1.Managing Trustee*
- 2.Trustee – 1*
- 3.Trustee – 2*
- 4.Trustee – 3*
- 5.Treasure Trustee*
- 6.Trustee – 4*
- 7.Trustee – 5*
- 8.Trustee – 6*

2.Women have no right to vote

3.That the expenses also are not collected from any women devotee as tax *4.Women have no right to contest the election also, for any post*

5.Geological table is available for all the three Branches

6.The voter list will be ascertained only on the basis of the Geological Table. In order to identify the people belonging to one of the aforementioned Branches, they have to produce any of the



WEB COPY



W.A.(MD)No.840 of 2024

following documents to identify themselves as the legal heirs of the Kodivali Jaabitha Ancestors.

I.Aadhar Card

II.Family Ration Card

III.Legal Heir Certificate

IV.Sale deeds

V.Voter ID Card

VI.Two-member Undertaking Document to be issued for a person belonging to a specific class identifying as a voter.

7.All the Male members of each branch have voting Right Only the direct legal heirs born in the following three Branches namely a) Maathakka Vaguppar b) Mallanayinar Kovilar and c) Neendakaraiyar are eligible to vote in the election. The descendants of the male members of the aforementioned Branches are eligible to vote whereas the descendants of the female members of the aforementioned Branches are not eligible to vote.

8.All the Male members who attained 18 years alone can vote.

9.Married / Unmarried / Widow Women cannot vote or contest the election.

10.There will be no difficulty in ascertain the voters.

11.All the three branches agree to hand over their respective voters list, purely as per the Geological Chart to the Advocate Commissioner. All the three Branches should submit their Voter list to the Court Commissioner at the same time.

12.In fact, the Voters list submitting by each of the group can be easily verified by the other branches, on the basis of the Geological Chart. Voter list of one class should be furnished to the other Branches and the same shall be inspected within a time period of one month and the objection on the voters list shall be submitted before the court commissioner by the other respective branch.

13.There are several common persons in the group, who can easily identify who belong to which branch.

14.In case of suspicion or dispute as to that particular person's identity of the aforementioned three Branches, two undertaking affidavit from two undisputed members of the aforementioned three Branches are to be filed to the commissioner.



W.A.(MD)No.840 of 2024

15.The Verification should be conducted by the representatives of the each branch and objection has to be filed to the Court Commissioner and for which the people belonging to all the three branches should co-operate. If any voter refuses to cooperate, he / she shall be removed from the voters' list.

16.The person requesting to add his name to the voter list should attach an affidavit sworn in the name of Lord Shri Veeradeesvarar Periyar Nayinar along with the Voter Application.

17.The Court Commissioner shall issue identity cards for representatives who are involved in the verification process.

18.After verification of the voter applications, the voters list should be prepared and the voters should be issued with Voter ID.

19.The Voter ID shall contain the Class to which the voter belongs to, Name of the voter with recent photo, Father's name, Address, Voter's Classification Number and Signature of the Court Commissioner.

20.Canvassing of voters shall be done strictly in accordance with the rules and regulations. Any deviations from the prescribed rules and regulations will not be entertained. There shall not be any threatening or coercing the voters.

21.The voting rights of those involving in violence has to be curbed.

22.The expenses for conducting the elections have to be paid by all the three Branches equally, including the Advocate Commissioner's Fees.

23.The Court Commissioner shall be responsible for selecting the representatives from three Branches, provide identity cards to members in the Voters' list, obtaining the verification report, obtaining the report on status of consideration of application, releasing the final voters' list, issuing voter ID card to the voters and issuing ID cards to the booth agents."

12.However, since there were some reservation for certain persons in respect of few clauses, particularly, clause Nos.2, 4 and 9, some of the



W.A.(MD)No.840 of 2024

persons have not signed the joint compromise memo and the Writ Court to ensure that administration is put in place and poojas and festivals are conducted for the Deity, as an interim arrangement to give a quietus to the dispute and conduct the election peacefully, has made certain modifications to clause Nos.2, 4 and 9, which are as follows:

- “- that the women who born in the village are also entitled to vote and contest in the election.*
- that the women who born in the village, got married and living in other village are not permitted to vote / contest.*
- that the women who born in other places and were married to the male descendants of the village are not permitted to vote / contest.”*

13.The learned Judge had appointed two Advocate Commissioners as Election Officers to conduct the election and had made it clear that the arrangement is made only on a temporary basis and has left the issue open with regard to the rights of women to participate in the election to be decided by the appropriate civil Court.

14.When admittedly, in view of the dispute that arose among the three groups, no poojas and functions have been conducted for the Temple for the past seven years, particularly, when the Temple is a denominational Temple



W.A.(MD)No.840 of 2024

having been established and maintained by the Vishwakarma community and further, the parties themselves having arrived at a consensus and have also filed a joint memo of compromise for conducting the election for selecting the Trustees to administer the Temple, the issue is only with respect of the eligibility of women to contest and vote in the election was disputed by some persons, only as an interim arrangement, the Writ Court had allowed the women, who is born in the village to vote and contest in the election. To avoid further dispute and confusion, the learned Judge had made it clear that the women, who were born in the village, but got married and living in the other village and the women, who were born in other places and were married to male descendents of this village were not permitted to vote and contest. This also has been made only as an interim arrangement and the issue was left open to the parties to agitate before the civil Court.

15. In our considered opinion, such arrangement was made by the learned Judge only to conduct the election smoothly for selecting the Trustees, thereby, administration can be put in place and poojas and functions for the Temple could be performed, which would be only in the



W.A.(MD)No.840 of 2024

betterment and interest of all the three groups belonging to the Vishwarkarma community.

16.As rightly found by the learned Judge, the women cannot be excluded from voting and contesting in the election and they have been rightly allowed to participate in the election. While doing so, necessary care has also been taken to ensure that the women, who had married and living in some other village and also the women, who got married to the male descendents of this village, are not allowed to participate in the election, as it will lead to further dispute and confusion. We do not find any fault with this approach of the learned Judge, as sufficient safeguards have been made and the rights of the parties have been protected and the issue was also left open to the parties to ensure that elections are conducted smoothly. In view of the same, the order passed by the learned Judge needs no interference and is, accordingly, sustained.



W.A.(MD)No.840 of 2024

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17.Resultantly, this Writ Appeal stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**[R.S.K., J] & [G.A.M., J]
05.06.2024**

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

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W.A.(MD)No.840 of 2024

R.SURESH KUMAR, J.

AND

G.ARUL MURUGAN, J.

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Judgment made in
W.A(MD)No.840 of 2024

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