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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2024

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.(MD).No.24374 of 2024
and
W.M.P.(MD).No.20694 of 2024

Chelladurai ... Petitioner

Vs.

1.The Commissioner,
HR and CE Department,
Uthamar Gandhi Salai,
Numgambakkam,
Chennai - 600 034.

2.The Joint Commissioner,
HR and CE Department,
Dindigul.

3.The Assistant Commissioner,
HR and CE Department,
Dindigul.

4.The Executive Officer / Fit Person,
Indumban Thirukovil,
By-Pass Road,
Siruginipatti Village,
Palani Taluk,
Dindigul District.

5.Subbaiah Gounder

6.Rengasamy ...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 Mandamus, directing the respondents 1 to 4 to constitute the Thiruppani Committee consisting the representatives from petitioner's Pasuva Kudumban Vagaiyara belongs to Pachalanayakkanpatti, Eramanaykkanpatti, Old Aayakudi and also to permit the petitioner's vagaiyara to donate entire expenses for renovating the temple of Arulmigu Chellandi Amman Temple situated at Manchanaickenpatti Village, Ottanchatiram Taluk, Dindigul District by considering the petitioner's representation dated 26.09.2024.

For Petitioner : Mr.R.Paranjothi
for M/s.KBS Law Office

For R-1 to R-3 : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

The present Writ Petition is filed for Mandamus directing the respondents 1 to 4 to constitute the Thiruppani Committee consisting the representatives from petitioner's Pasuva Kudumban Vagaiyara belonging to Pachalanayakkanpatti, Eramanaykkanpatti, Old Aayakudi and also to permit the petitioner's vagaiyara to donate entire expenses for renovating Arulmigu Chellandi Amman Temple situated at Manchanaickenpatti Village, Ottanchatiram Taluk, Dindigul District by considering the petitioner's representation dated 26.09.2024.

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2. In view of the limited relief sought for and proposed to be granted by this Court, notice to the respondents 4 to 6 is dispensed with.

3. It is submitted by the learned counsel for the petitioner that the petitioner belongs to Pasuva Kudumban Vagaiyara of Devendirakula Velalar community and there are 80 families in the said Vagaiyara residing at Pachalanayakkanpatti, Eramanaykkanpatti, Old Aayakudi of Palani Taluk, Dindigul District and that Arulmigu Sellandi Amman Temple was consecrated by their ancestors. In the year 2023, dispute arose between the petitioner Vagaiyara and the villagers of Kalipatty Village, who are said to have encroached upon the temple property and the respondents 5 and 6 made an attempt to demolish the temple without the consent of the petitioner Vagaiyara. In this regard, peace committee meetings were conducted on 09.12.2023 and 21.09.2024 and it was decided to constitute a Thiruppani Committee to carry out the renovation works of the subject temple. However, the respondents 5 and 6 made an attempt yet again to demolish the subject temple without prior permission from the officials of the Hindu Religious and Charitable Endowments Department. Hence, the petitioner submitted a representation to the first respondent on 26.09.2024 to direct the archaeological expert to inspect the temple and thereafter, grant permission for renovation work by constituting a Thiruppani Committee including the representatives of the petitioner

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Vagaiyara. Since the same was not considered, the present Writ Petition has been filed.

4. It was submitted by the learned Additional Government Pleader appearing for the respondents 1 to 3 that the petitioner's representation would be considered and orders would be passed in accordance with law within a period of eight weeks, which was accepted by the learned counsel for the petitioner.

5. In view of the same, taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 26.09.2024, on its own merits and pass appropriate orders in accordance with law, after affording reasonable opportunity of hearing to the petitioner, respondents 5 and 6 and any other interested parties/stake holders, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the concerned respondent to consider the representation on its own merits and in accordance with law.

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6. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

16.10.2024

Index : Yes / No
Internet : Yes/ No
Lm

To
1.The Commissioner,
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MOHAMMED SHAFFIQ, J.

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