



W.P.(MD)No.26669 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.26669 of 2024

and

W.M.P.(MD)No.22628 of 2024

Durai Bharathidasan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Thirumangalam,
Dharmathupatti,
Madurai – 625 008.

2.The Inspector of Police,
C2 Subramaniyapuram Police Station,
Law and Order,
Madurai – 625 011.

3.Duraikannan
4.V.Vijayasekar
5.A.Sasikumar
6.Vetrivel
7.Murugan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the first respondent, passed in his proceedings in Na.Ka.No. 37887/2024/Aa2, dated 23.10.2024 and quash the same.



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For Petitioner : Mr.K.Sudalaiyandi
For R1 : Mr.M.Muthumanikkam
Government Advocate
For R2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

The petitioner, a resident of Ayyanarpuram, Keelamuthupatti, Madurai, has filed this Writ Petition, stating that a temple, namely Sri Vinayagaperuman and Arulmigu Sri Kaliamman Temple, is situated in the village, covering an area of 1000 sq.ft. The temple was originally established by the Sourashtra community, who donated the land for its construction.

2. The petitioner submits that the temple was constructed 80 years ago with funds collected from the residents of Keelamuthupatti Village. Regular Poojas (rituals) have been performed at the temple. The temple has a flagpole (Kodimaram) and a Hundi. The temple is managed by a committee elected by the village people. The third respondent was elected President, the fourth respondent Secretary, the fifth respondent Treasurer, and the petitioner Vice President.



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3. The petitioner submitted that the activities of respondents 3 to 5 are contrary to the interests of the Temple. In 2012, a surplus amount of Rs.6,00,000/- was handed over to D.Manoharan, the elder brother of the third respondent. The total collection amount from 18.01.2020 to 22.01.2022 approximately Rs.6,57,789/- and subsequent hundial collection of Rs.1,30,000/- held by the fifth respondent.

4. The temple fund of Rs.15,00,000/- that was given to the Kasimani family was later returned to the third respondent. Subsequently, respondents 3 to 5 began collecting funds from the public for the Kumbabishekam, which is scheduled for 20.11.2024. However, no accounts have been submitted so far. Therefore, the petitioner sent representations dated 14.09.2024 and 29.09.2024 to the H.R. and C.E. authorities.

5. The petitioner further submitted that, since the H.R. and C.E. authorities had not taken any action, the petitioner filed W.P.(MD)No. 24766 of 2024. By order dated 21.10.2024, this Court directed the



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authorities to consider the petitioner's representations within a period of eight weeks.

6. Since the H.R. and C.E. authorities are to conduct an enquiry and take a decision regarding the status of the Temple and the conduct of the temple festival, respondents 3 to 7 cannot take the law into their own hands by collecting money without maintaining proper accounts and proceeding with the Kumbabishekam.

7. A Peace Committee meeting was held on 23.10.2024, in the presence of the Revenue Divisional Officer, Thirumangalam, Madurai District, with the petitioner, the rival parties, and revenue officials, wherein it was agreed that the current managing committee of the temple would decide on the tax to be levied on the villagers in connection with the temple festival. Regarding the modification and recasting of the management committee, steps will be taken after consulting all the members, and only thereafter, the Kumbabishekam of the temple will be conducted.



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8. The learned counsel for the petitioner contends that the petitioner is part of "A" Party, while the rival group is referred to as "B" Party. However, "B" Party has continued to misappropriate the temple funds based on the order issued by the Revenue Divisional Officer, dated 23.10.2024.

9. The learned Additional Public Prosecutor for the second respondent submitted that the petitioner had previously raised objections regarding the current management committee of the temple collecting funds for the Kumbabishekam. The petitioner participated in the Village Committee Meeting on 25.08.2024, wherein it was agreed that all issues could be resolved and that the date for the Kumbabishekam would be fixed by the Village Committee. The petitioner was a signatory to the same. It is likely that the petitioner also participated in the enquiry conducted by the Revenue Divisional Officer. Furthermore, the petitioner approached this Court in W.P.(MD)No.24766 of 2024 to have his representations dated 14.09.2024 and 29.09.2024 considered. On the one hand, the petitioner participated in the meeting, but on the other hand, he is now challenging the proceedings of the revenue officials in this Court.



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10. The learned Additional Public Prosecutor further submitted that the Peace Committee meeting was convened to facilitate the Kumbabishekam at the temple with the participation of all concerned parties. Therefore, the writ petition is liable to be dismissed.

11. Considering the submissions and on perusal of the materials, it appears that the petitioner had previously participated in the Village Committee Meeting on 25.08.2024, wherein the date for the Kumbabishekam was agreed upon as 20.11.2024. Following this, the petitioner filed W.P.(MD)No.24766 of 2024, requesting the respondents 1 to 3 therein to take over the administration of the temple and also submitted representations dated 14.09.2024 and 29.09.2024. By order dated 21.10.2024, this Court directed respondents 1 to 3 therein to consider the petitioner's representations within a period of eight weeks. After obtaining this order, the petitioner now challenges the subsequent order dated 23.10.2024, stating that the order issued by this Court in W.P.(MD)No.24766 of 2024, which directed the authorities to decide upon his representations within eight weeks, should prevent the Kumbabishekam from proceeding.



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12. The petitioner has participated in both the Village Committee Meeting and the Peace Committee Meeting, and that the date for the Kumbabishekam has been fixed for 20.11.2024. The petitioner may have personal grievances against certain villagers, he has not sought to stall the Kumbabishekam. Therefore, the Kumbabishekam will proceed as scheduled. On completion of the Kumbabishekam, proper accounts must be maintained. The Assistant Commissioner of the H.R. & C.E. Department to verify the temple's funds whether properly spent, respondents 3 to 7 to submit temple's records and accounts to the H.R. & C.E. Department. Thereafter, it is for the H.R. & C.E. Department to take appropriate action.

13. In view of the same, this Court finds no reason to entertain the Writ Petition. Therefore, Writ Petition fails and accordingly, it is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

11.11.2024

NCC : Yes / No
Index : Yes / No



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To

- 1.The Revenue Divisional Officer,
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Madurai Bench of Madras High Court,
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M.NIRMAL KUMAR, J.

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Order made in
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Dated: 11.11.2024