



WP (MD) No.26779 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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Kandasamy

... Petitioner

Vs

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Sivagangai,
Sivagangai District.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
Paramakudi,
Ramanathapuram District.
- 3.The Executive Officer,
Hindu Religious and Charitable Endowments Board,
Chellamani Vinayagar Thirukovil,
Devakottai, Sivagangai District.
- 4.The Inspector of Police,
Devakottai Police Station,
Sivagangai District.

5.Y.Selvaraj

6.M.Sornakalai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for a writ of mandamus directing the



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respondents 1 to 4 to conduct an enquiry and pass orders to the effect that the temple in survey No.86/2 situated in Andakudi Village, Narayanamangalam Revenue Village, Devakottai Taluk, Sivagangai District belongs to the petitioner's village to enter and worship of the above said temple by considering the representation dated 09.10.2023 and within the stipulated period as fixed by this Court.

For petitioners : No representation
For Respondent : Mr.P.Subbaraj,
Nos.1 to 3 Spl.Govt.Pleader
For Respondent : Mr.R.Balakrishnan
No.4

ORDER

The petitioner is a resident of Andakudi Village, Devakottai Taluk, Sivagangai District. It appears there is a dispute with regard to the right of worship in Arulmigu Kannayiramudaiyar temple.

2.The petitioner claims that this temple was established by their villagers and they are intending to renovate the temple by collecting funds. However, the neighbouring Kurundur Villagers claim right over the temple



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that this temple belong to them. There was a dispute between the two villages and a police complaint is also lodged in the month of November 2023. The petitioner claims that this temple is situated within the limits of their village and therefore, the temple belongs to his village. The revenue records also show that the temple is situated in Andakudi Village. However the 5th and 6th respondents claim that this temple belongs to them and they are having the right in the temple. Therefore the petitioner has submitted a representation to the respondents 1 to 4 and filed this writ petition for a writ of mandamus directing the respondents 1 to 4 to conduct enquiry and take a decision as to their right in the temple.

3. There is no representation for the petitioner.

4. The learned Counsel for the 4th and 5th respondents submits that this temple is situated in the bank of Kurundur Kanmoi. Two years back, they decided to construct a temple, agreement was entered into by their villagers.



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5.This Court considered the materials placed on record.

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6.It is unfortunate that villagers are having disputes with regard to the worship in the temple. The petitioner has submitted a representation to the respondents. Under such circumstances, the 2nd respondent is directed to conduct an enquiry and take a decision as to the right of the petitioner in the temple in dispute after affording opportunity of hearing to the rival parties and ensure that everyone is permitted to offer their prayers and to worship in the temple.

7.This writ petition is disposed of with the above directions. No costs.

01.03.2024

dsk



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