



W.P.(MD) No.28971 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.28971 of 2024
and
W.M.P.(MD) No.24542 of 2024**

Anguthan

... Petitioner

/vs./

- 1.The District Collector,
Pudukottai District,
Pudukottai.
- 2.The Revenue Divisional Officer,
Iluppur,
Pudukottai District.
- 3.The Tahsildar,
Ponnamaravathy Taluk,
Pudukottai District.
- 4.The Superintendent of Police,
Pudukottai District,
Pudukottai.
- 5.The Deputy Superintendent of Police,
Ponnamaravathy, Pudukottai District.



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6.The Inspector of Police,
Ponnamaravathy Police Station,
Ponnamaravathy,
Pudukottai District.

7.The Joint Commissioner,
HR and CE Department,
Trichy.

8.The Assistant Commissioner,
HR and CE Department,
Pudukottai.

9.The Inspector,
HR and CE Department,
Pudukottai.

10.The Executive Officer,
Sri Muthumariamman Temple,
Konnaiyur,
Pudukottai.

11.Periasamy

12.Chinniah

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing respondents 1 to 10 herein to open the locks and ensure the peaceful worship of villagers Arulmighu Adaikalam Kaatha Ayyanar Temple, Pon Valayapatti village, Ponnamaravathy Taluk, Pudukottai District, and also to take appropriate legal action against respondents 12, 13, and their associates who have illegally locked the temple by considering the petitioner's representation dated 30.11.2024.



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For Petitioner : Mr.V.R.Shanmuganathan
For R1 to R3 & R7 to R9 : Mr.P.Subbaraj
Special Government Pleader
For R4 to R6 : Mrs.M.Aasha
Government Advocate (Crl.side)
For R10 : Mr.G.Mathavan
For R11 & R12 : Mr.M.Jenin Mathew

ORDER

The writ petition has been filed seeking for a direction to the respondents 1 to 10 herein to open the lock and ensure the peaceful worship of villagers in Arulmighu Adaikalam Kaatha Ayyanar Temple, Pon Valayapatti village, Ponnamaravathy Taluk, Pudukottai District and to take appropriate legal action against respondents 12, 13, and their associates who have illegally locked the temple by considering the petitioner's representation dated 30.11.2024.

2. Pursuant to the orders passed on 02.12.2024, the learned Special Government Pleader appearing for the State, on instructions, would submit that the keys of the temple had been taken over possession by the 8th respondent and the temple was opened for the worship of the devotees. However, the learned



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counsel appearing for the respondents 11 and 12 would object the handing over of the key to the petitioner alone.

3. The Division Bench of this Court had already directed the 8th respondent herein or any Officer nominated by him to take over the charge of the temple immediately and to do the needful. When such an order had been made by the Division Bench, the Assistant Commissioner being an Officer under the statute cannot perform the daily rituals of the temple. It is in his wisdom, he has handed over the keys to the petitioner for carrying out the daily rituals of the temple. If the respondents 11 and 12 are aggrieved, they can always approach the Joint Commissioner, the 7th respondent herein, under Section 63(e) of the HR & CE Act, 1959 to redress their grievances. Since the order of the Division Bench had directed the Assistant Commissioner to manage the affairs of the temple and the 8th respondent had been managing the affairs of the temple in his wisdom, any order that may be passed to hand over the keys to any other person would only involve a disputed question of fact, which cannot be gone into by this Court in the present writ petition.



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4. In view of the fact that the temple had now been opened, the same shall be kept open to the worship of the devotees and it has also been brought to the notice of this Court that the 8th respondent had appointed the 10th respondent as his nominee to manage the affairs of the temple. The Writ Petition stands disposed of with liberty to the respondents 11 and 12 as indicated above.

5. At this juncture, the learned counsel for the respondents 11 and 12 would suggest to this Court that the 10th respondent may be vested with the authority to decide as to whom the keys should be handed over. Section 63(e) of the HR & CE Act, 1959, does not confer a power either with the Executive Officer or the Assistant Commissioner of HR & CE and it can only be decided by the Joint Commissioner or the Deputy Commissioner as per Section 63(e) of the Act. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU, J.

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