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W.A.No.1299 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.A.No. 1299 of 2022

V.Kaliappan

...Appellant

Vs.

- 1.The District Collector,
Salem District,
Salem.
- 2.The Revenue Divisional Officer,
Mettur, Salem District.
- 3.The Taluk Administrative Magistrate
Cum Tahsildar,
Kadayampatti Taluk,
Kadayampatti, Salem District.
- 4.The Deputy Superintendent of Police,
Omalur, Salem District.
- 5.The Inspector of Police,
Deevattipati Police Station,
Salem District.
- 6.Manikam

...Respondents



W.A.No.1299 of 2022

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 18.11.2021 passed in W.P.No.2633 of 2020.

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For Appellant : Mr.A.K.Kumarasamy, Senior Counsel

Mr.S.Kaithamalai Kumaran

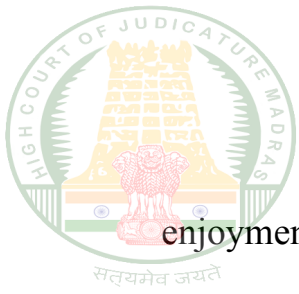
For Respondents : Mr.Vadivelu Deenadayalan,
Additional Govt. Pleader for RR1 to 5
Mr.K.V.Dhanapalan for R6

J U D G M E N T

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The present intra-Court appeal has been instituted to assail the writ order dated 18.11.2021 in W.P.No.2633 of 2020.

2. The Writ Petition has been instituted challenging the order of the Taluk Administrative Magistrate Cum Tahsildar, Kadayampatti Taluk dated 04.11.2019. The appellant/ writ petitioner mainly contended that the temple viz., Sri Kaliyamman temple situate at Gundoor, Kanjanaickenpatti Village Tharapuram Post, Salem District is a private temple which belongs to him. He has instituted a suit in O.S.No.55 of 2001 for permanent injunction. Pertinently the civil Court granted the relief of permanent injunction restraining the defendants their men in any manner interfering with the peaceful possession and



enjoyment of the suit property. But, at the same time, the plaintiff should not

restrict the defendants right to worship the suit temple during the festival since the temple belongs to Boyar community, in that aspect the suit was dismissed. Aggrieved by the same, an appeal suit in A.S.No.22 of 2007 was instituted before the sub-Court, Mettur. The appeal was allowed and the right given to the defendants to worship the temple is set aside vide order dated 6th December 2007. In the strength of the judgment and decree, the appellant / petitioner claims that the 6th respondent has no right for worship and therefore the writ petition ought to have been allowed in entirety by the writ Court.

3. A group of villagers from Boyar community filed a suit in O.S.No.98 of 2011 to declare that the suit temple is a common temple belongs to Boyar community people of Gundoor, Kanjanaickenpatti Village Tharapuram Post, Salem District and for an injunction. Yet another suit has been instituted in O.S.No.70 of 2011 by few villagers for permanent injunction. The appellant/ petitioner along with two others filed another suit in O.S.No.91 of 2011. The said suit was dismissed for non-prosecution by the trial Court on 19.12.2017. On 10.04.2008, the civil revision petition in CRP.No.1279 of 2012 filed before the High Court was dismissed.

4. May that as it be, various civil litigations between the parties deserves



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no merit consideration in a writ proceedings instituted under Article 226 of the

Constitution of India. Admittedly the subject temple is a private temple. The appellant claims that he is the exclusive owner of the temple and the villagers have no right.

5. Per contra the villagers claim that it is Boyar community temple and they have a right to worship. Under these circumstances, the law and order problem arose and the Tahsildar conducted a peace committee meeting and passed an order initially on 05.03.2012 and subsequently on various dates. Finally no consensus arrived and the Tahsildar passed an order dated 04.11.2019 which is impugned in the writ petition. A perusal of the said order reveals that the parties have not arrived at a consensus nor agreed to conduct temple festival in a peaceful manner. Therefore, the Tahsildar had left with no other option but to lock and seal the temple premises to maintain peace and tranquillity amongst the villagers.

6. The writ Court also declined to interfere with the said order mainly on the ground that the dispute is of civil nature. Further the writ Court said that in the event of arriving at the consensus between the groups, the temple festival may be conducted with the assistance of the revenue and police authorities.

Considering the facts and circumstances, this Court is of the considered view



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that the disputed facts of this nature cannot be adjudicated in the writ proceeding under Article 226 of the Constitution of India.

7. The learned Senior Counsel appearing for the appellant would mainly contend that the appellant is armed with civil Court decree which is to be honoured. Therefore, the appellant is entitled to have exclusive possession and to administer the subject temple. However, the villagers claim that it is a Boyar community temple and they must be permitted to participate in the festival and pooja etc.,

8. The order of the Tahsildar dated 04.11.2019 would not provide a cause *per se* since the order was passed pursuant to the peace committee meeting conducted between the parties. In order to avoid law and order issues the Executive Magistrate/ Tahsildar made an attempt to resolve the issue. Since the parties have not arrived at a consensus, he recorded the facts in the proceedings dated 04.11.2019. Therefore, the said order would not provide a cause for institution of writ proceeding to resolve the civil rights involved in respect of conduct of festival, poojas etc., in a private temple. If at all the appellant is armed with a civil Court decree he has to approach the civil Court for execution of the decree or for any other suitable relief. Contrarily the High Court cannot exercise the powers of judicial review under Article 226 of the Constitution of



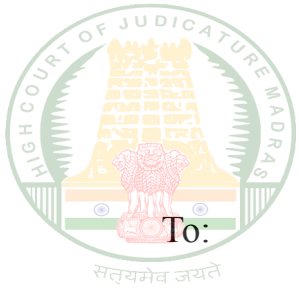
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India for the purpose of execution of the civil Court decree, which is impermissible. That apart it is to be noted that in the writ petition filed by petitioner the 3rd respondent has been directed to conduct a peace committee meeting and take action as per the decision taken in the meeting by order dated 05.09.2018.

9. In view of the facts that the dispute raised are of civil in nature and the writ petition is not maintainable, we are not inclined to entertain the present writ appeal. Consequently, the writ appeal stands **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S., J.) (C.S.N., J.)
02.09.2025

dsa
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non-speaking order



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