



W.P.(MD)No.2151 of 2025

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.2151 of 2025
and W.M.P(MD).Nos.1528 and 1529 of 2025

V.Vellaichamy

... Petitioner

Vs.

1.The Tahsildar,
Alangudi Taluk,
Pudukkottai District.

2.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.

3.The Executive Officer,
Arulmigu Manonmaniamman Temple,
Keezharajaveethi,
Pudukkottai.

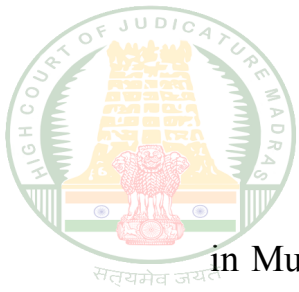
4.Suresh

5.M.Raman

6.U.Chandran

... Respondents

PRAYER : Petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the first respondent



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in Muu.Mu.A2/54/2024 dated 08.01.2025 and quash the same as illegal, arbitrary and non-application of mind and consequently direct respondents 4 to 6 not to interfere in the day-to-day poojas of the Sri Vadakkukottai Porpanai Kalamman Thirukovil situated at Alangudi Taluk, Pudukkottai District.

For Petitioner	: Mr.A.Balaji
For R1	: Mr.M.Muthumanikkam Government Advocate (civil side)
For R2	: Mr.A.Thiruvadikumar Additional Public Prosecutor
For R3	: Mr.G.Mathavan

ORDER

The petitioner/ Poojari of Sri Vadakkukottai Porpanai Kalamman Temple situated at Alangudi Taluk, Pudukkottai District, had filed this petition challenging the impugned order passed by the Tahsildar in Muu.Mu.No.A2/54/2024, dated 08.01.2025, wherein the Tahsildar/first respondent had issued an order not to continue with the construction of Kalamman Temple work in Veppankudi Village, Alangudi Taluk, Pudukkottai District. The contention of the petitioner is that the private respondents have filed O.A.No.33 of 2024 before the Joint Commissioner of HR & CE Department, seeking for drawing of scheme. They want the temple to be managed by scheme. This petition cannot be



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cited for stalling the construction of temple. The temple is being renovated under Tamil Nadu Government Scheme and the Assistant Commissioner by order dated 12.04.2022 had allotted fund for Gramapura Temple Thirupani and the Executive Officer of Arulmigu Manonmaniamman Temple, Pudukkottai, has been appointed as in-charge Officer. This being so, at the instance of private respondents 4 to 6 cannot be a reason for the first respondent to pass order in the nature of injunction, which is not permitted and has got no authority.

2. The learned counsel for the third respondent submitted that it is a Government scheme, where the Hon'ble Tamil Nadu Chief Minister announced in the assembly and based on which, 2000 village temples in the State to be renovated and the scheme is to be completed within a period of one year from the date of orders. This temple has been identified and allotted fund under 2021-2022 scheme. The amount has been disbursed and the orders has been passed on 12.04.2022. It ought to have been completed within one year, otherwise the scheme would get lapsed. He further submitted that referring to the photograph filed along with this petition in page No.35 to 37 confirmed that the major portion of the temple construction is almost over and only few works to be

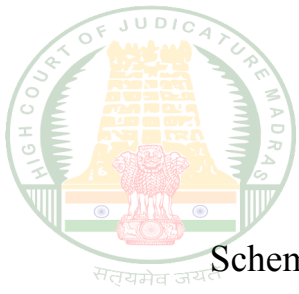


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completed and thereafter, Kumbabhisekam to be held, which has got nothing to do with the scheme petition filed by the respondents 4 to 6, which is pending before the Joint Commissioner, HR& CE Department, Pudukkottai, but the Tahsildar referred the same is not proper and no injunction to be passed.

3. The learned Additional Public Prosecutor submitted that it is the petitioner, who had given complaint on 07.01.2025 stating that there have been obstruction from one Suresh, S/o.Subramani, Ganesan, S/o Palanivelu and Murugesan, S/o Muniandi and finding that there is likely breakage of law and order, the issue referred to Tahsildar. On perusal of case diary fairly submitted that except the complaint of the petitioner, there is nothing available in the case diary. The counter petitioners were not called for any enquiry. There is no report to show that there is likelihood of law and order issue. He submitted that since it is a temple issue in a precautionary measure, complaint was forwarded to the Tahsildar.

4. Considering the submission and perusal of materials, it is found that the temple renovation work is carried out as per Government



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Scheme. The Executive Officer/ in-charge officer to oversee the construction. The purpose of renovation of temple is to have the temple Kumbabhisekam at the earliest and pooja to be performed and continued without any break. Filing of OA by the respondents 4 to 6 seeking a scheme, is no way connected to the issue of the renovation of the temple. The right of respondents 4 to 6 to be decided in O.A, which is pending before the Joint Commissioner, HR & CE Department, for that reason, the renovation work cannot be stalled and it is the time bound scheme. The action of the second respondent and order passed by the third respondent is not inconsonance with the law and procedure. In view of the same, the impugned order passed by the respondents 1 and 2 is hereby set aside. The third respondent/Executive Officer to oversee the construction and ensure that the temple renovation work is completed within stipulated period and thereafter, Kumbabhisekam to be conducted without any delay. In the event of unnecessary obstruction, the second respondent police to take appropriate action against the obstructors.



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5. With the above direction, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

28.01.2025

NCC : Yes / No
Index : Yes / No
Rmk

To

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Pudukkottai District.
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Ganesh Nagar Police Station,
Pudukkottai District.
- 3.The Executive Officer,
Arulmigu Manonmaniamman Temple,
Keezharajaveethi,
Pudukkottai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
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Dated: 28.01.2025