

W.P(MD)No.3771 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

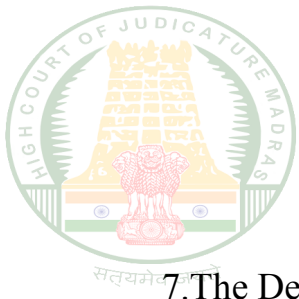
Writ Petition(MD)No.3771 of 2025
and
W.M.P(MD)No.2713 & 2714 of 2025

V.Chellandi

..Petitioner

Vs

- 1.The District Collector,
Office of the District Collector,
Madurai District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Usilampatti Taluk, Usilampatti Division,
Madurai District.
- 3.The Tahsildar,
Peraiyur Taluk Office,
Madurai District.
- 4.The Revenue Inspector,
Elumalai Village, Periyur Taluk,
Madurai District.
- 5.The Village Administrative Officer,
Elumalai Village, Periyur Taluk,
Madurai District.
- 6.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.



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7. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Usilampatti Division,
Madurai District.

8. The Inspector of Police,
Elumalai Police Station,
Madurai District.

9. N.C. Jeyaraman

10. Dharmaraj

11. Shankar

12. Balamurugan

13. Kamatchi

14. Mariyappan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceeding issued by the 2nd respondent herein in his proceedings vide Na.Ka.No.3391/2024/A1 dated 03.02.2025 and quash the same as illegal and unconstitutional and consequently direct the respondents 1 to 8 to recover the stone idols from the 14th respondent herein and keep the same under the custody of the 1 to 8 respondents on the basis of the petitioner's representation dated 16.12.2024.

For Petitioner : Mr.M.Shakulhameed

For Respondents : Mr.S.Shaji Bino
Spl. Govt. Pleader (for R1 to R5)

Mr.K.Gnanasekaran
Govt. Advocate (crl. side)(for R6 to R8)
Mr.A.S.Krishnan (for R9 to R14)



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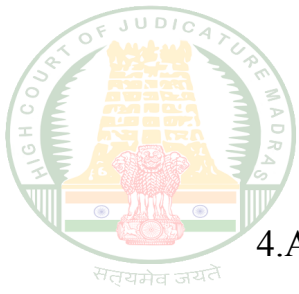
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ORDER

The petitioner seeks to quash the proceedings of the second respondent/Revenue Divisional Officer, Usilampatti Taluk, Madurai District in proceedings dated 03.02.2025 and to direct the respondents 1 to 8 to recover the stone idol from the 14th respondent's residence and to keep the same under their custody.

2. It is the claim of the petitioner that there is an existence, a temple under the name and style of Arulmighu Santhana Mariamman Temple situated at E.Perumpalpatti Village, Peraiyur Taluk, Madurai District. He pleads that the practice of this temple is only to worship the pedestal without any images, forms or idols.

3. According to the petitioner, the respondents 9 to 14 wanted to replace the existing practice by installing stone idols. For the said purpose, they have collected fund and have also purchased stone idols for installation. Pleading that the installation of the idol is contrary to the practice of the temple, the writ petitioner had opposed the same. In order to avoid a law and order problem, the matter had been referred to the second respondent/Revenue Divisional Officer. The Revenue Divisional Officer constituted a peace committee and passed an order. Challenging the same, the present writ petition.



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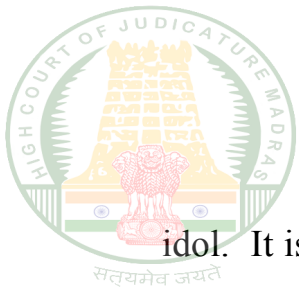
WEB JURISDICTION TO DEAL WITH THE ISSUE.

5. Mr.A.S.Krishnan, for the respondents 9 to 14 states that the respondents 9 to 14 are attempting to replace the pedestal with the stone idols.

6. Mr.S.Shaji Bino, learned Special Government Pleader, on instructions, reports that being a religious issue, the Revenue Department does not have power to interfere with the same.

7. I have considered the submission of all the counsels.

8. A peace committee meeting is neither a statutory duty nor a duty conferred on the second respondent to discharge pursuant to any instructions. It is at best an attempt at mediation of the dispute that has arisen between the residents of the particular area, in order to dissolve the dispute peacefully. When the peace committee has no legal validity, the question of challenging the order does not arise. Furthermore, it is not in dispute that the respondents 9 to 14 have purchased the idol and it has been kept in the residence of the 14th respondent. There cannot be a Mandamus to direct the Government to seize the



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idol. It is entirely at the discretion of the person who wants to worship the idol

in his house or wants to keep it for artistic pleasure. There is no provision of law enabling the respondents 1 to 8 to seize the idols, which is kept in the private residence of a person.

9.Since the peace committee meeting has no validity, there need not be a certiorari as sought for. Insofar as the second prayer is concerned, there cannot be a Mandamus to seize the properties, which are private in character.

10.Leaving it open to the parties to workout their rights before the Civil Court as regards their civil rights with respect to the installation of the idol, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

17.02.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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V.LAKSHMINARAYANAN, J.

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