



W.P.(MD) No.21285 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.21285 of 2023
and
W.M.P.(MD) Nos.17692 and 17694 of 2023**

R.Ambiga Pathi

... Petitioner

/vs./

- 1.The District Collector,
Dindigul District.
- 2.The Joint Commissioner,
HR & CE Department,
Dindigul District.
- 3.The Superintendent of Police,
Dindigul District.
- 4.The Assistant Commissioner,
HR & CE Department,
Dindigul District.
- 5.The Thasildar,
Kugilam Parai,
Dindigul District.



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6.The Inspector of Police,
Erode Police Station,
Dindigul District.

7.Balu Mahendran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by 2nd respondent vide O.A.No.35 of 2021 dated 01.06.2023 and quash the same as illegal and may consequently direct the respondent No.6 to implement the 5th respondent's order vide Na.Ka.No. 196/2023/m2 and permit the petitioner and village people to do daily pooja activities and customs practices likes Aadi month poojas (சாழ் உற்றல்) monthly Bournami, Ammavasi Poojas and every two years to conduct temple festival etc., and consequently forebear the 7th respondent and his henchman from preventing the petitioner and other villagers from worshipping right and other related rights in the temple.

For Petitioner : Mr.K.P.Narayanakumar

For R1, R2, R4 & R5 : Mr.P.Subbaraj
Special Government Pleader

For R3 & R6 : Mrs.Aasha
Government Advocate (Crl.side)

For R7 : Mr.J.Lawrance



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ORDER

The challenge in the writ petition is to an order made under Section 63(b) of the HR & CE Act, 1959 (*herein after referred to as Act*) and for the consequential direction to the sixth respondent to implement the order of the fifth respondent.

2. It is to be seen that the order that is referred to be passed by the fifth respondent relates to a decision taken during the peace committee meeting on 01.06.2023. On the very same day, the second respondent had also passed an order in a petition filed under Section 63(b) of the Act. Even though it is a case of the petitioner that no notice was served on any of the persons, the respondents have produced the files, which evidences the notice intimating the pendency of the proceedings under Section 63(b) of the Act before the second respondent by affixing the same in the notice board of the temple. Therefore, the petitioner cannot state that the notice had not been served upon any one. The order impugned herein is an order appealable under Section 69 of the Act with a further remedy by way of filing a statutory suit under Section 80, which, according to this Court, would be an efficacious alternative remedy.



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3. In such view of the matter, this Court is not inclined to entertain the present writ petition, as an efficacious alternative remedy is available to the petitioner as indicated above. The petitioner also claims a right of custom and usage of rituals in the temple by the petitioner's group. It is for the petitioner to approach the appropriate authority under the Act seeking to recognize such custom, which will amount to deal with the disputed question of facts.

4. In fine, the Writ Petition stands dismissed without entering into the merits of the claim made by the respective parties. The petitioner is at liberty to avail the statutory remedy available under the said Act. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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

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