



W.P.(MD).No.29785 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 29.01.2025

DELIVERED ON: 31.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.29785 of 2024

and

W.M.P.(MD)Nos.25117 and 25118 of 2024

S.M.Subramanian

...Petitioner

Vs

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Board,
Nungambakkam,
Chennai – 600 034.
- 2.The District Collector,
Pudukkottai District.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Thanjavur, Thanjavur District.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
Pudukkottai, Pudukkottai District.
- 5.The Executive Officer,
Pudukkottai Devasthanam,
Pudukkottai District.



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6.The Tahsildar,
Thirumayam Taluk,
Thirumayam,
Pudukkottai District.

7.V.Karuppiah

8.K.Karuppiah

9.S.Ganapahty

10.Prabhakaran

... Respondents

(R-9 and R-10 are impleaded vide Court Order dated 10.01.2025 in W.M.P.(MD)No.377 of 2025 in W.P.(MD)No.29785 of 2024)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the third respondent in his proceedings in Se.Mu.Na.Ka.No.13483/2024/Aa1 dated 09.10.2024 granting permission to the 7 and 8 respondent villagers (Meenikonendal Village) to start construction work in the disputed suit Temple known as “Sri Sethu Vinayagar Temple” and quash the same as illegal and arbitrary and consequently direct the respondents 1 to 5 to give opportunity to the petitioner villagers and all other interested villagers in Kummangudi Village Panchayat to construct the Temple from the funds collected from all the villages by following the various procedures as envisaged under the HR and CE Act and Rules.



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For Petitioner : Mr.V.R.Shanmuganathan
For Mr.M.Rajasekaran

For R-1 to R-4 : Mr.P.Subbaraj
and R-6 Special Government Pleader

For R-5 : Mr.G.Mathavan

For R-7 and R-8 : Mr.G.Prabhu Rajadurai
For Mr.K.Abdul Sabur Khan

For R-9 and R-10 : Mr.P.Thiagarajan

ORDER

Heard learned counsels on either side.

2. This Writ Petition has been filed challenging the proceedings of the third respondent dated 09.10.2024 wherein permission was given to the respondents 7 and 8 to carry out certain renovation / construction work at Sri Sethu Vinayagar Temple and for a consequential direction to give opportunity to the petitioner villagers and all other interested villagers in Kummangudi Village Panchayat to participate in renovation and construction of works at Sri Sethu Vinayagar Temple.



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3. When the matter was taken up for hearing on 16.12.2024, an affidavit was filed by the fifth respondent, the Executive Officer, indicating that various works were yet to be carried out at the Temple. On the affidavit filed by the fifth respondent, the learned counsel for the petitioner submitted that the petitioner would also make an application regarding the remaining works indicated in the said affidavit. This Court, recording the same and permitted the respondents also to make an application and listed the matter for further hearing on 03.01.2025. The matter was subsequently re-posted to 07.01.2025 and then to 10.01.2025. In the interregnum, certain work orders were also issued in favour of other persons.

4. When the matter was taken up on 10.01.2025, the learned counsel appearing for the private parties to the writ petition indicated that the works allotted to various individuals had overlapped. Recording the overlap, the Court directed the fourth respondent to prepare a chart of the works allotted to each individual, remove the overlap, rectify the estimates provided in that respect, and complete this exercise by 28.01.2025. The matter was then listed on 29.01.2025.



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5. When the matter was taken up for hearing on 29.01.2025, the learned counsels appearing on behalf of the respective private parties, by consent, agreed to re-allocate their works in such a manner that the works do not overlap and the renovation/construction works of the temple are not hampered. They were directed to file respective affidavits indicating their willingness.

6. The petitioner had filed an affidavit indicating the works to be carried out by him and also by other individuals who had been allotted works. Similarly, respondents 7 and 8 had also filed affidavits stating that they would not object to the allotment of any thirupani works beyond those already allotted to them. The respondents 9 and 10 had also filed similar affidavits, indicating that they would not have any objection to allot other works proposed to be conducted without overlapping the donor works already allotted to them. These affidavits were taken on record.

7. It is to be noted that another dispute revolves around the placement of the board at the temple. The claim of the petitioner is that



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the temple is predominantly located in Kummangudi village, whereas the claim of the respondents 7 and 8 is that the temple is located in Meenikonenthal Village and therefore according to both parties, the board of the temple should carry the names of their respective villagers. Respondents 7 and 8 relied on a finding given by the Trial Court in a suit they had filed, which stated that the temple is located in Meenikonenthal Village. However, the learned counsel for the petitioner disputed this contention, arguing that the Trial Court's statement was not a finding of fact, but rather a record of the claim made by the villagers of Meenikonenthal in that suit and he relied upon the revenue record.

8. Be that as it may, this Court is inclined to give a quietus to the entire dispute between the parties and is constrained to pass the following orders:

- a) As averred in the affidavit, the parties are permitted to carry out the works allotted to each of them, as accepted, without interfering with others' works.
- b) The fifth respondent shall ensure no overlapping incidents are claimed by donors.



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c) In case of any dispute between the parties, the fifth respondent shall resolve the same amicably as soon as possible.

d) In case, donors dispute among themselves in the work that is being carried out, the third respondent shall revoke all donor work contracts given to the respective individuals; take over and complete the work through the Department. In such an event, the third respondent shall also seek necessary funds from the Government in that regard.

e) The temple board shall not display any village or donor names.

9. With the aforesaid directions, this Writ Petition stands disposed of. However, the respective villagers are at liberty to approach the revenue officials to resolve the dispute regarding the temple's location. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

31.01.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr



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K.KUMARESH BABU, J.

Nsr

PRE-DELIVERY ORDER MADE IN
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31.01.2025