

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2022

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THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.37524 of 2015
and W.M.P.No.19232 of 2022

M.Sekar

...Petitioner

Vs.

- 1.The District Collector,
Erode District.
- 2.The Superintendent of Police,
Erode District.
- 3.The Deputy Superintendent of Police
Perundurai Circle
Erode District.
- 4.The Tahsildar
Erode Taluk, Erode District.
- 5.The Inspector of Police,
Erode Taluk Police Station
Rangapalayam, Erode
- 6.Saminathan
- 7.Jeganathan
(R-6 and R-7 are impleaded as per
order dated 02.12.2015 by M.M.S.J
in M.P.No.1 of 2015 in W.P.No.37524 of 2015)

8.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Erode.

(R-8 Suo-motu impleaded today (i.e.26.08.2022))

...Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to provide adequate protection to the petitioner and the families, those are praying the Sri Madurai Veeran, Karupparayan and Kannimar as their family deity i.e.offering worship, conducting poojas and festival to the Temple situated at Kullur, Aval Poondurai, Modakkurichi Taluk, Erode District, as usual as per rights and customs on the basis of the petitioner's representation dated 13.11.2015 within time frame by this Court.

For Petitioner : Mr.R.Thirumoorthy for
Mr.S.Rajanikanth
For Respondents : Mr.U.Baranidharan (for R1 to R5)
Additional Government Pleader
Mr.Guru Prasath for R6 and R7
For R8 : Mr.Karthikeyan
Government Advocate

ORDER

This Writ Petition was filed for the issue of Writ of Mandamus directing the respondents to provide protection to the petitioner and others who visit the Temple to offer their worship.

2.This Court Suo moto impleads the 8th respondent in this Writ Petition.

3.This Writ Petition was filed in the year 2015 and ultimately it came up for final hearing on 23.08.2022. This Court directed the learned Additional Government Pleader to take instructions on the present status of the atmosphere that is prevailing in the village with respect to the subject temple.

4.The matter was again taken up for final hearing today. The learned Additional Government Pleader produced the written instructions received from the Tahsildar, Modakurichi, namely the fourth respondent in this Writ Petition. It is seen from the report that there has been repeated clashes between the parties whenever an attempt was made to conduct any function or festival in the temple. It is seen that peace committee meetings were called during various occasions and there seems to be no agreement between the parties. In one such meeting, a decision was taken on 13.05.2022, by the fourth respondent after hearing both the parties and they were requested to conduct the festival in a peaceful manner and the festival was slated to be held between 09.06.2022 to 11.06.2022. Once again there was a clash between the parties and hence, the Temple was locked on 11.06.2022 at about 8.10.P.M. in the presence of the Tahsildar and Inspector of Police. Considering the gravity of the situation, it was decided that the Temple will not be reopened till the situation returns back to normalcy.

5.This Court heard the learned counsel for the petitioner and also the learned counsel appearing on behalf of the sixth and seventh respondents. After hearing them, this Court is not confident that the parties will be able to reach any settlement and every time there is going to be a clash / disturbance and the Police and the Revenue Authorities will be spending their energy and time in restoring peace.

6.A temple is a place which is reached out by God believers in search of peace. It is believed to be a structure designed to bring human beings and Gods together through worship, sacrifice and devotion. Unfortunately, in many cases, the Temple itself becomes a cause for disturbance and law and order problem and as a result, the whole purpose of a Temple is lost. This Court is flooded with Writ Petitions of this nature and the Police and Revenue authorities are made to spend their time in resolving the dispute between the parties. A Temple must create an environment to subside the ego of a person and on the contrary it is becoming a breeding ground for clash of ego between persons and God is pushed to the back seat. In such cases, the best course of action will be to close down such Temples so that peace and normalcy is restored in the locality. It is a paradox that closure of a Temple actually leads to peace.

7.In the facts and circumstances of the given case, this Court is of the considered opinion that the Assistant Commissioner of HR & CE must immediately step in and appoint a fit person for the Temple. The administration of the Temple must be handed over to the fit person and he will ensure that all are allowed inside the Temple to make their prayers. This will sufficiently take care of the ego clash between the parties and no one will feel superior than the other when the Temple is under the control of the Executive Officer / Fit person. This process shall be completed by the Assistant Commissioner of HR & CE within a period of ten days from the date of receipt of copy of this order. The Temple shall be reopened only after the appointment of the fit person and it shall be ensured that no one indulges in act of violence resulting in a law and order problem and if any such incidents takes place, the Superintendent of Police shall immediately take charge and action shall be initiated against the concerned persons.

8.In the result, this Writ Petition is disposed of in the above terms. No costs. Consequently, connected Writ Miscellaneous petition is closed.

26.08.2022

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Index: Yes/No

Speaking Order: Yes/No

Note:-Issue order copy on 26.08.2022.

To

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- 6.The Assistant Commissioner,
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N.ANAND VENKATESH.J.,

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