

ITEM NO.12

COURT NO.7

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).
28484-28485/2017

(Arising out of impugned final judgment and order dated 01-06-2017 in CRP No. 746/2017 01-06-2017 in CRP No. 743/2017 passed by the High Court Of Judicature At Madras)

P. SEETHALAKSHIMI

Petitioner(s)

VERSUS

EXECUTIVE OFFICER

Respondent(s)

(With applications for exemption from filing C/C of the impugned judgment, exemption from filing O.T. and permission to file additional documents)

Date : 18-07-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s)

Ms. R. Hemalatha, Adv.
Mr. S. Nithin, Adv.
Ms. Arunima Singh, Adv.
Mr. C. Kannan, Adv.
Mr. P.M. Saravanan, Adv.
Mr. Karunakar Mahalik, AOR
Ms. Priya Choudhary, Adv.

For Respondent(s)

Mr. Mohan Parasaran, Sr.Adv.
Mr. V. Balachandran, Adv.
Mr. Siddharth Naidu, Adv.
For M/S. Ksn & Co., AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned counsels for both the parties.

2. At the outset, we may state that the dispute concerns Arulmigu

Pandimuneeswarar Thirukovil, Melamadai, at Madurai [*for brevity* 'Temple'] and *inter alia*, the administration thereof. It should be noted that number of litigations are pending before various forums concerning the same. It may be relevant to note that the Endowment Department has earlier appointed an executive Officer and ordered for removal of trustees on the pretext of mis-management of the Temple. This was challenged before the High Court through a writ petition being W.P. (MD) No. 10257 of 2016. By order dated 15.07.2016, the High Court allowed this petition and set aside the recommendation dated 12.05.2016 passed by HR and CE Dept. Aggrieved, the Dept. went in appeal before the division bench in W.A. (MD) No. 1133 of 2016, which was subsequently partly allowed. Aggrieved by the same, one Sarvana Pandian is in appeal before this Court in SLP (Civ.) Diary No. 13958 of 2018. It may not be out of context to note that the counsels for petitioners have drawn the attention of this Court to the fact that an issue concerning plate collection is also involved in the aforesaid petition.

3. Without going into the details of this case, which may not be necessary at this stage, broadly, it may be indicated that the petitioner herein challenged an official memorandum in Na.Ka.No.12/201/17/B1 dated 16.03.2017, wherein the all the Poojari/trustees, were stopped from collecting the plate money and it was ordered to be accounted to the temple. Aggrieved by the same, petitioner herein filed a Civil Suit being OS No. 83/2017, before the District Munsif, Melur, which is pending.

4. By order dated 04.04.2017, the trial court granted ad-interim

injunction against the respondent authorities from interfering with petitioner's peaceful performance of poojas and entitlement of plate collection. Aggrieved, respondent no. 1 preferred Civil revision Petition before the High Court of Madras in CRP (MD) No. 743/2017 and CRP (MD) No. 746/2017.

5. The High Court, by final order dated 01.06.2017, allowed the Civil Revision filed by the respondent. Aggrieved, the petitioner has approached this court by way of these Special Leave Petitions.

6. Today, during course of arguments, learned counsel for the Petitioner has brought to the notice of this Court- the order of the High Court of Madras, dated 07.04.2017, which related to interim order, as under-

The revision petitioner herein shall have a separate account for the daily plate collections and keep it separately till the disposal of this revision petition. The said accounting shall either be done by the revision petitioner or any person authorized by him in the presence of the poojari of that particular day. The money so deposited shall not be utilized for any purpose and the entitlement of Plaintiff and similarly placed poojaries shall be decided while disposing the revision petition.

7. Thereafter, at the time of final disposal of the Revision Petition, the Court has finally observed thus-

"... It will be appropriate to direct the revision petitioners to continue the arrangement made as per the interim order dated 07.04.2017 of this Court, so that if any petition is filed under Section 63E of the Act by the poojaries, their entitlement in the offerings including plate collection can be ascertained and due share will be given to them, if they eventually succeed."

8. A bare perusal of the aforesaid directions, makes it clear that the interim order dated 07.04.2017, was virtually confirmed at the

final disposal stage by the High Court of Madras.

9. It is brought to the attention of this Court, that an appeal before this Court being SLP (Civ.) Dairy No. 13958 of 2018, was filed against the order of the High Court of Madras in Writ Appeal No. 1133 of 2017, which is relied upon by the parties herein. As pointed out earlier, it is important to note that both cases have similar issues concerning plate collection and arises out of the same temple and its management thereof.

10. Taking into consideration the facts and circumstances prevailing in this case and the consent given by the parties, we direct as under-

"the petitioner is at liberty to utilize upto half of the collected amount [plate collection] for the concerned day's service, if she has so performed, subject to giving an undertaking that if the petitioner loses the litigation, she has to reimburse the aforesaid amount to the Temple. Such an undertaking has to be given to the Executive Officer concerned."

11. The interim order passed on 07.04.2017, passed by the High Court indicated that there must be a separate account of the daily plate collections and be kept separately till the disposal of the matter. The accounting shall be done either by the Executive Officer or his authorized agent in presence of the petitioner, who shall count the money collected in the plate and a proper account has to be maintained by the said Executive Officer everyday, till the disposal of these special leave petitions. We express that all parties have to co-operate and in good faith carry out the mandate of this interim order till the disposal of this Special Leave Petition.

12. As indicated above, tag these petitions along with Special leave Petition (Civ.) Diary No. 13958 of 2018.

(SUKHBIR PAUL KAUR)
AR CUM PS

(RAJ RANI NEGI)
ASSISTANT REGISTRAR