



W.P.(MD)Nos.5979 and 415 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	21.07.2023
Delivered on	25.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)Nos.5979 and 415 of 2023

W.P.(MD) No.5979 of 2023

V.Kumaraiah

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District, Ramanathapuram.
2. The Revenue Divisional Officer,
Paramakudi Revenue Division,
Paramakudi, Ramanathapuram District.
3. The Tahsildar,
Kadaladi Taluk, Kadaladi,
Ramanathapuram District.
4. The Superintendent of Police,
Ramanathapuram District, Ramanathapuram.



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5. The Deputy Superintendent of Police,
Muthukulathur,
Ramanathapuram District.

6. The Inspector of Police,
Kadaladi Police Station, Kadaladi,
Ramanathapuram District.

7. S.Vilvalinga Thevar

8. Swamynathan ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd, 3rd and 6th respondents to remove the lock and seal of the Arulmigu Sri Vilvanathar Sametha Nithiyakalyani Ambigai Temple, Melakadaladi Village, Kadaladi Taluk, Ramanathapuram District and set open the temple for daily public worship without interference of official respondents.

For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
for R1 to R5

For Respondents : Mr.R.Murugappan for R7 & R8

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Vilvalingam

... Petitioner

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Vs.

1. The Superintendent of Police,
Ramanathapuram District , Ramanathapuram.
2. The Deputy Superintendent of Police,
Muthukulathur, Ramanathapuram District.
3. The Inspector of Police,
Kadaladi Police Station, Kadaladi,
Ramanathapuram District.
4. Kumaraiah
5. S.Vilvalingam
6. P.Rajendran
7. Mayilvakanan
8. Murugan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 2 and 3 to give permission and protection for the petitioner to conduct Mandala Poojai and Religious cultural events on 12.01.2023 and 13.01.2023 at our kuladeiva temple of Arulmigu Sri Vilvanathan Kovil situated at Survey No.42/4, Kadaladi Revenue Village, Kadaladi Taluk, Ramanathapuram District or any other dates which may be fixed by this



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For Petitioner : Mr.Raja Karthikeyan
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
for R1 to R3
For Respondents : Mr.K.Kumaravel for R4 to R8

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COMMON ORDER

These writ petitions are filed seeking mandamus directing the respondents 2, 3 and 6 to remove the lock and seal of Arulmigu Sri Vilvanathar Sametha Nithiyakalyani Ambigai Temple, Melakadaladi Village, Kadaladi Taluk, Ramanathapuram District and to direct the respondents police to give permission and protection for the petitioner to conduct Mandala Poojai and Religious cultural events on 12.01.2023 and 13.01.2023.

2. The facts and brief as per affidavit enclosed in these petitions are that the petitioner in W.P.(MD) No.5979 of 2023 is a President of



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Thirupani Committe of Arulmigu Sri Vilvanathar Sametha Nithiyakalyani Ambigai Temple which belonging to the people of S.Vellankulam, Pappakulam, Therankulam, Sithudaiyan and Servaikaranpatti. Previously, the deity was being worshipped in the beedam without any building thereby the elders of the villages are decided to construct the temple thereby Thirupani Committee was formed under the leadership of the petitioner with the Secretary, treasurer etc. The Thirupani Committee carried out the construction activities of the temple by accepting donations from the villagers. All the accounts were submitted to the Committee and elders and in respect of design and other aspects of the temple constructions issues were placed before the villagers and the Committee and after passing the minutes only the works were done.

3. Kumbabishekam was fixed in the meeting on 06.06.2022, however in respect of claiming first honour, dispute arose between the groups thereby restrictions were imposed in respect of Fifth Mandala Pooja on 24.10.2022. A peace committee meeting was conducted by the third respondent. Two factions participated wherein the petitioner has



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stated to have informed that there shall not be first honour to anybody.

The committee decided to conduct Mandala Pooja as per Agamavidhi but it was opposed by the official respondents anticipating the law and order. The petitioner has filed W.P.(MD) No.23957 of 2022 sought for permission to conduct Mandala Abhishegam without any special honour to anybody. The said writ petition was disposed of by directing the respondents 1 to 6 therein to pass appropriate orders. Since the respondents 1 to 6 therein could not pass any order the petitioner, the petitioner has filed one more W.P.(MD) No.29073 of 2022 and sought suitable directions again directions have given to the sixth respondent to pass orders but no orders have been passed. Subsequently temple was locked by the police and revenue authorities and the key was handed over to the temple and one key was kept with the sixth respondent police station. FIR was also registered against two factions under Section 107 of Cr.P.C. The seventh respondent had filed W.P.(MD) No.415 of 2023 sought for permission to conduct Mandalapooja on 13.01.2023 and same is still pending.

4. The villagers have reported before the second respondent to



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open the temple on account of Sivarathiri festival as per the decision of the peace committee thereby the temple was decided to open on 18.02.2023 and 19.02.2023 with certain conditions and after celebrating the festival again temple was locked. On account of closure of temple after Kumbabishegam without any delay pooja, it is affecting the sentiments of the villagers. The temple cannot be locked. The petitioner has given representation dated 17.02.2023 before the second respondent for offering pooja in the temple by appointing a neutral Archaka but same was not accepted. The authorities are not taking steps to settle the issue peacefully thereby sought for suitable directions.

5. When this matter was listed along with W.P.(MD) No.415 of 2023, this Court has directed both the parties to file undertaking before the Revenue Divisional Officer, Paramakudi in respect of extending cooperation of conducting pooja and festivals of the temple on which, the Revenue Divisional Officer directed to consider such undertaking and pass orders to open the temple as a temporary measure. It is also directed so far as maintenance of the temple is concerned, parties have to resort their disputes before the concerned competent authority.



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6. When the matter was listed again on 28.04.2023, it is reported that parties have been raising objections with regard to the conditions of management as well as other poojariship and the first hoour right.

7. The petitioner stated to be President of Thirupani Committee established for construction of temple along with other office bearers. The said committee stated to have been collected donations and ultimately completed the construction of the temple. Subsequently, issues arose between the factions as the unofficial respondents 7 and 8 have claimed first honour to some of the persons for which others were not inclined, on account of the dispute further escalated, ultimately temple was closed. As per resolution passed before the temple in the peace committee meeting, temple was opened for one time to perform Kumbabishegam during Sivarathiri festival. Subsequently it was closed. Temple was also opened as a temporary measure previously for some pooja and subsequently it was closed and each one key is kept with temple and police station.



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8. Now the petitioner wanted that the temple to be opened to all devotees so that people will offer their prayers to the deity. On considering the entire material on record and hearing the submissions made by both parties, it is clear that there are disputes between the parties in respect of management and maintenance of temple and also in respect of first honour. So far as the rights of the parties in respect of the management is concerned, it is for the civil Court to determine the same in an appropriate civil suit being filed either by any one of the parties connected with the temple who has been agitating for the management rights. In respect of first honour in temple, no person can claim an aspire for first honour thereby, first honour request has not been considered.

9. Be that as it may. The temple is required to be opened so that people and devotees can offer prayer in the temple. Opening of temple for worship cannot be linked with the rights and management of the temple. Since the rights of the parties cannot be decided by this Court



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and since police or the Revenue Divisional Officer cannot be settled the rights of the parties, the parties can therefore approach appropriate forum including civil Court for redressal of grievances in respect of rights over the temple. Thereby, so far as the opening of the temple, all the officers connected to the temple shall make an endeavour to see that temple is open to the public for offering prayers by the people. Under the guise of disputes among the groups in respect of management of temple the officials cannot continue to close the temple.

10. In view of the above, these petitions are disposed of by directing the District Collector to form a committee, within one month from the date of receipt of a copy of this order, comprising the Revenue Divisional Officer, members from HR & CE Department, Revenue Department and Police Department and people from all the factors and make every endeavour only in respect of opening the temple every day

and also for conducting festivals and other occasions within one month from the date of receipt of a copy of this order. No costs.



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25.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

PKN/mvs.



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DR.D.NAGARJUN,J

PKN/mvs.

Pre-delivery common order made in
W.P.(MD)Nos.5979 and 415 of 2023

Dated: 25.09.2023