



W.P(MD)No.13397 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.13397 of 2023

and

W.M.P(MD)No.19052 of 2023

N.Saminathan

... Petitioner

Vs

**1.The District Collector,
Karur,
Karur District.**

**2.The Tahsildar,
Pugalur Taluk,
Karur District.**

**3.The Revenue Inspector,
Thennilai,
Karur District.**

**4.The Village Administrative Officer,
Thennilai (South),
Karur District.**

**5.The Sub-Inspector of Police,
Thennilai Police Station,
Thennilai,
Karur District.**

6. R.Thangavel

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents 1 to 4 herein to implement one of the condition mentioned in Para No.3 of the order passed by the second respondent vide Na.Ka.No.A3/2619/2022 dated 23.08.2022 that “3.After over the Kumbabisehgam and Mandala Poojai, Saminathan/petitioner should be allowed every week one day to go to the temple and make poojai to the Lord Pommaia Swami. The 6th respondent/Thangavel should not be interfered the Pooja conducted by the Saminathan/petitioner.” for worshipping Lord Pommaia Swami situated at Thennilai Therkkku, Sullimadaipalayam, Pugalur Taluk, Karur District in every week Saturday in pursuance of the petitioner's representation dated 23.05.2023.

For Petitioner :Mr.K.Prabakaran

For R1 to R5 :Mr.D.Farjana Ghowsia
Special Government Pleader

For R6 :Mr.K.Suresh

ORDER

The grievance of the petitioner is that the sixth respondent is not permitting him to offer his prayer to the deity Lord Pommiah Swami.



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2. The learned counsel appearing for the petitioner submitted that the sixth respondent is not opening the temple for offering the prayers and he is opening the temple only on the New Moon Day (Ammavasai) and therefore, the petitioner is not offer his prayer as and when he wish.

3. The learned Special Government Pleader appearing for the sixth respondent submitted that this is a small temple in the village, which is situated 20 kms away from the village. The villagers usually assemble in the temple only on New Moon Day and they used to offer their prayers and there is no restriction for the petitioner to offer his prayer on that day. The petitioner can very well participate and join with them during the New Moon Day and can offer his prayer.

4. The sixth respondent Mr.R.Thangavel also present before this Court and submitted that he is hereditarily and voluntarily doing pooja for time memorial and he is not receiving any salary. He further submitted that since the temple is situated 20 kms away from the village, it is not possible for him to open the temple every day. In the event, if



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the petitioner is willing to offer his prayer on a particular day he also accommodate the same and he will be available at that time.

5. This Court considered the rival submissions made.

6. The petitioner is also a devotee of the temple. The temple is a small village temple, which is situated 20 kms away from the village. The 6th respondent claims that the temple will be opened during the New Moon Day and all the villagers used to assemble and perform their pooja. The sixth respondent, who is present before this Court undertakes that the petitioner when he wish to perform pooja to the deity he has to inform the same in one day advance to him and on that day he will open the temple and perform the pooja. The Poosari is not provided with any salary and he is doing pooja as a voluntary service to the deity and he is also working as a Coolie.

7. In the event, the petitioner wishes to offer his prayer in a separate day other than the New Moon Day, the petitioner shall inform the same to the Poosari in one day advance and shall pay a sum of Rs.500/- as a salary for opening and performing the pooja for the special



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occasion. In the event, the salary is paid in advance, the poosari shall open the temple and perform the pooja.

8. In view of the above, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No.

Index : Yes / No.

Internet: Yes

am

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B.PUGALENDHI, J.

am

Order made in
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