



W.P.(MD) No.15627 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.15627 of 2023

and

W.M.P.(MD) No.13125 of 2023

P.Sathiyamoorthy

.. Petitioner

Vs.

- 1.The District Collector,
District Collectorate Building,
Sivagangai, Sivagangai District.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Trust (HR & CE),
40, Muthusamy Nagar,
Thiruppathur Road,
Sivagangai-630 561.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Trust (HR & CE),
40, Muthusamy Nagar,
Thiruppathur Road,
Sivagangai-630 561.



W.P.(MD) No.15627 of 2023

4.The Thakkar,
Arulmigu Santhi Veeran Swamy Temple,
Mallakkottai Village,
Singampurani Taluk,
Sivagangai,
Sivagangai District.

5.The Tahsildar,
Singampunari Taluk,
Sivagangai District.

6.The Village Administrative Officer,
Mallakottai Village,
Singampunari Taluk,
Sivagangai District.

7.S.Saipandidurai

8.S.Sasithurai

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing respondents 1 to 6 herein to permit the petitioner to participate in the ongoing temple festival (from 24.06.2023 to 02.07.2023) like that of the 7th and 8th respondents by taking street procession along Santhi Veeran Saamiyadi and Temple Poojari from Chinna Santhi Veeran Saami Veedu to Periya Santhi Veeran Saami Thirukoil through manthai and to oorkavalan Pottal and to ensure the smooth and peaceful conduct of Sri Arulmigu Santhi Veeran Temple festival ending with Eruthu Kaattu Vizha procession on 02.07.2023 at Mallakottai Village, Sivagangai District with sufficient police protection.



WEB COPY



W.P.(MD) No.15627 of 2023

For Petitioner : Mr.Isaac Mohanlal
Senior Counsel
assisted by
Mr.T.Cibi Chakraborty

For RR1, 2, 3, 5 & 6: Mr.P.Subbaraj
Special Government Pleader

For RR7 & 8 : Mr.T.Ramesh

ORDER

This writ petition has been filed for a mandamus directing respondents 1 to 6 herein to permit the petitioner to participate in the ongoing temple festival (from 24.06.2023 to 02.07.2023) like that of the 7th and 8th respondents by taking street procession along Santhi Veeran Saamiyadi and Temple Poojari from Chinna Santhi Veeran Saami Veedu to Periya Santhi Veeran Saami Thirukoil through Manthai and to Oorkavalan Pottal and to ensure the smooth and peaceful conduct of Sri Arulmigu Santhi Veeran Temple festival ending with Eruthu Kaattu Vizha procession on 02.07.2023 at Mallakottai Village, Sivagangai District, with sufficient police protection.



W.P.(MD) No.15627 of 2023

WEB COPY

2. The temple appears to have a chequered history of rival claims being made with reference to the performance of certain customary practices during the Eruthu Kattu Vizha of Arulmighu Sri Santhi Veeran Temple. The petitioner would state that this festival is the most important temple festival, which is celebrated every year in the Tamil Month of *Aani*. The festival is an eight day ceremony which starts with the Kodaivalavu Thiruvizha followed by a Saami Attam for three days, oil bath on the fourth day, followed by Saami Attam on the fifth day once again Saami Aattam with Milk and Maavilaku on the sixth day and the last day, the Eruthu Kaatu Vizha is conducted where the deity is carried from Chinna Kovil to Periya Arulmigu Sri Santhi Veeran Temple and to the Manthai and poojas like Abishaegam and goat sacrifice (kedavettu) are performed.

3. The petitioner would submit that respondents 7 and 8, claiming to be the hereditary trustees and administrators, were attempting to



W.P.(MD) No.15627 of 2023

change the pooja and ritual and started focusing the entire festival more upon them than the deity. A ritual of wearing head gear holding sengol and umbrella and taking out a procession by the said respondents has been introduced by them. In this regard, there was a lot of rumblings amongst the villagers and other devotees who had opposed these functions as a result of which the 7th respondent had filed W.P.(MD) No. 10650 of 2022 before this Court for a direction to the first respondent to grant permission to him to conduct this festival. This Court by order dated 15.06.2022, was pleased to dispose of the writ petition directing the Deputy Superintendent of Police, Thirupathur, to monitor the temple festival, which is scheduled to be conducted and to ensure peaceful conduct of the festival. The revenue officials, therefore, called for a Peace Committee Meeting between the 7th respondent and his men, village representatives, the Tahsildar, Singampunari Taluk, the second respondent, the third respondent, Police Officials and Revenue Officials and Village Administrative Officer and they instructed the Mallakottai Village people not to indulge in any law and order issue and to conduct the festival peacefully.



W.P.(MD) No.15627 of 2023

WEB COPY

4. However, there appears to be some opposition to the participation of one T.Balasundaram of the same village in the festival, which prompted him to file W.P.(MD) No.14000 of 2022 before this Court seeking a direction to respondents 1 to 5 therein to ensure smooth and peaceful conduct of the temple festival culminating in the Eruthu Kaatu Vizha procession. The petitioner therein had also asked to restrain any intruders, more particularly the 7th respondent from indulging in any act of intrusion or disturbances to the temple premises or his vicinity. The said petition was disposed of with a direction to the Assistant Commissioner, Hindu Religious and Charitable Endowments Department to be present on the spot on the last date of the festival to ensure orderliness inside the temple and not allow anybody with head gear and umbrella and other symbolic articles to project themselves with some status. However, contrary to the directions in the above writ petition, the 7th respondent indulged in wearing the head gear holding a sengol and umbrella and taking out procession from the Manthai to the temple.



W.P.(MD) No.15627 of 2023

Therefore, the said Balasundaram initiated contempt proceedings in Contempt Petition (MD) No.1182 of 2022, which was closed giving liberty to the petitioner therein to approach the Court for appropriate orders.

5. The 4th respondent has now scheduled the temple festival in the month of *Aani* in respect of the 4th respondent-Temple between 24.06.2023 to 02.07.2023. A Public Interest Litigation in W.P.(MD) No. 15134 of 2023 was filed by one Jeyanthi, who hailed from the very same village. In the said writ petition, she had alleged that there are frequent clashes between the two rival groups and further, the persons from the Schedule Caste are not permitted to participate in the pooja. The Bench had disposed of the above writ petition directing the 4th respondent/Fit Person to monitor and supervise the conduct of the festival. It was also made clear that there would be no prohibition imposed on any person from participating in the temple festival. The 4th respondent was directed to monitor and supervise all the functions of the temple and ensure that no first honour should be accorded to any person. On 24.06.2023, the 7th



W.P.(MD) No.15627 of 2023

WEB COPY

respondent's son, viz., the 8th respondent took over from his father in taking out the procession in the light of the orders earlier passed. This procession appears to be contrary to the directions issued by this Court in the earlier writ petition in W.P.(MD) No.14000 of 2022. When the petitioner attempted to take out a similar procession, respondents 4 to 6 restrained him stating that it is only the 7th and 8th respondents' families, who were considered as god men, will be permitted to take out procession. A complaint was also lodged against the petitioner in S.S.Kottai Police Station, Singampunari, stating that he is creating law and order problem all of which are only on the instructions of respondents 7 and 8. The petitioner would submit that he was later enlarged on bail and aggrieved by the fact that respondents 4 to 6 are permitting the holding of a procession, especially when the Division Bench has passed orders stating that no first honour should be given, the procession by itself is violation of this order.

6. When the matter came up today, learned counsel for the petitioner submitted photographs, a perusal of which would show that the



W.P.(MD) No.15627 of 2023

orders of this Court are being flouted. This Court requested one of the villagers, who was present in Court, to explain what the festival was all about and he has submitted that after the flag for the festival is put up, two persons viz., the Temple priest and the person called Saamiyaadi (he is the person who would get possessed by the goddess) would go around in a procession, which would start from the small temple called Chinna Kovil across the Manthai and the big temple and culminate at the final grounds. The said villager was asked by this Court as to whether it was only these two persons, who would take out in procession to which he has answered in the affirmative. However, learned counsel for respondents 7 and 8 instigated him to add that either the 7th respondent or the 8th respondent would also be part of the possession. It appears to be a deliberate attempt to add to what the villager has stated.

7. Therefore, considering the fact that there is no clarity with reference to the customary practices followed during the Eruthu Kaatu Vizha, this Writ Petition is disposed of stating that the festival for this year, which has already commenced and which is due to conclude on



W.P.(MD) No.15627 of 2023

WEB COPY

02.07.2023, would be conducted without this procession consisting of head gear, sengol etc. For this year, the Poojari and Saamiyaadi alone will go in procession. No person will be permitted to be given any honour in the form of any symbolic attire/head gears/sengol etc. However, since this seems to be the bone of contention year after year, the Joint Commissioner shall, after involving rival groups and the villagers, arrive at the customary practices that are required during the Eruthu Kaatu Festival, that is, conducted in the month of *Aani* every year. This shall be put in writing and maintained in a Register under the custody of the 4th respondent. For the following year, as per the decision that would be taken by the Joint Commissioner, the custom will be revived. The enquiry shall be conducted and the same shall be completed within a period of two months. Strict compliance of this order shall be ensured by the Inspector of Police, S.S.Kottai Police Station, Singampuranri under the supervision of the Superintendent of Police, Sivagnagai. Since the order is made in the open Court, it is made clear that the parties will not insist upon the order copy and would comply with the orders of this Court. It is needless to state that if there is non-



W.P.(MD) No.15627 of 2023

compliance, the parties would be in contempt of the orders of this Court.

No costs. Consequently, connected miscellaneous petition is closed.

28.06.2023

NCC : Yes/No

Index : Yes/No

abr

To

- 1.The District Collector,
District Collectorate Building,
Sivagangai, Sivagangai District.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Trust (HR & CE),
40, Muthusamy Nagar,
Thiruppathur Road,
Sivagangai-630 561.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Trust (HR & CE),
40, Muthusamy Nagar,
Thiruppathur Road, Sivagangai-630 561.
- 4.The Thakkar,
Arulmigu Santhi Veeran Swamy Temple,
Mallakkottai Village,
Singampurani Taluk,
Sivagangai, Sivagangai District.



WEB COPY



W.P.(MD) No.15627 of 2023

P.T.ASHA, J.

abr

5.The Tahsildar,
Singampunari Taluk,
Sivagangai District.

6.The Village Administrative Officer,
Mallakottai Village,
Singampunari Taluk,
Sivagangai District.

W.P.(MD) No.15627 of 2023

Dated: 28.06.2023