



W.P.(MD)No.17467 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:02.08.2023

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THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.17467 of 2023

E.Shanmugam

... Petitioner

Vs.

1. The Inspector of Police,
Ottanchatram Police Station,
Dindigul District,
Dindigul.

2.P.Ayyanar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to give protection for smooth performance of Alagupatti Pankali Kulatheivam Ayyanar and Twenty One Swamis Temple festivals from 04.08.2023 to 06.08.2023 at Alagupatti Village, Pallar Theru, Dindigul West Taluk, Dindigul District.

For Petitioner : Mr.S.Alagarsamy

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
for R1
Mr.S.Balaji for R2



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ORDER

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This petition is filed seeking for a direction to the first respondent police to provide adequate police protection for performing the pooja at Alagupatti Pankali Kulatheivam Ayyanar and Twenty One Swamis Temple. According to the petitioner, there are 21 Swamigal out of which, 17 are available and they intend to perform festival from 04.08.2023 to 06.08.2023 at the said Ayyanar Temple.

2. Learned counsel appearing for the unofficial respondent has strongly objected stating that the unofficial respondent is the hereditary poosari to the Ayyanar Temple and as there are disputes with unofficial respondent, he has filed a suit on the file of the Additional Munsif Court, Dindigul, in O.S.No.54 of 2020 very recently and the same is pending. It is also submitted that in respect of other main two temples, viz., Bhagavathiamman and Kaliammal Temples also, the unofficial respondent is the hereditary poosari and in respect of the same, a dispute arose thereby a case in O.S.No.54 of 2020 is filed and the petitioner herein has also filed written statement in the said suit.



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3. Learned Additional Public Prosecutor, on the other hand, submits that on their enquiry, it is revealed that the unofficial respondent is the hereditary trustee, and has been performing pooja in main two temples and Ayyanar Temple. Therefore, the issue is as to who have got the hereditary rights to perform pooja in tow main temples and also the Ayyanar Temple will be decided by the civil Court for which suits have been already filed as referred above.

4. The issue in the present writ petition is that the petitioner as one of the 'Swamiyadigal' intends to perform the pooja in the Ayyanar Temple. The unofficial respondent while objecting the request of the petitioner submits that if at all the petitioner intend to perform the pooja, the respondent also shall be made party otherwise permission shall not be granted. The objection of the unofficial is quite unreasonable merely because the petitioner is permitted to perform pooja and festival in the Ayyanar Temple, it does not mean that he has been claiming pooja rights in the Ayyanar Temple. As already observed, the issue with regard to rights in respect of poojariship in Ayyanar Temple is seized of in



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O.S.No.54 of 2020 pending before the Additional Munsif Court, Dindigul, this Court makes it clear that even by permitting the petitioner to perform the pooja in the Ayyanar Temple will not create any substantive right to the petitioner to claim this as one of the grounds in the civil Court to claim the poojariship right in the Ayyanar Temple.

5. The Constitution has provided rights to citizen of this Country to practice whatever beliefs he/she feels, in case, if the unofficial respondent request is conceded, it amounts to preventing the petitioner to perform the pooja in the Ayyanar Temple. The issue between the petitioner and the unofficial respondent is only in respect of poojariship, but the unofficial respondent cannot prevent the petitioner from worshipping in the temple. Not only the petitioner, everybody including the unofficial respondent has got the right to perform the pooja in the temple.

6. Considering the circumstances, when the petitioner intends to perform pooja, even if the unofficial respondent is intends to participate in the pooja, he can be permitted to participate provided he should not



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create any hindrance to the pooja and festival.

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7. In view of the discussions made above and hearing all the parties, this writ petition is allowed with the following directions:-

7.1. The first respondent police is permitted to provide sufficient police protection for performing the pooja by the petitioner at Alagupatti Pankali Kulatheivam Ayyanar and Twenty One Swamis Temple;

7.2. Merely because the petitioner is permitted to perform pooja in Ayyanar Temple does not mean the petitioner has got the right to perform the pooja in Ayyanar Temple;

7.3. The permission is granted only for three days i.e., from 04.08.2023 to 06.08.2023; and

7.4. The unofficial respondent can also permitted to participate if he wishes provided they shall not create any untoward incident, in case if the persons of the unofficial respondent is likely to create any untoward



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incident, the respondent police are directed to intervene and subside the issue and take appropriate action based on the situation.

02.08.2023

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

To

1. The Inspector of Police,
Ottanchatram Police Station,
Dindigul District,
Dindigul.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN,J

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