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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.18887 of 2023

Muthukumar

... Petitioner

vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Sivagangai District,
Sivagangai.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Sivagangai District,
Sivagangai.

3.The State Represented by,
The Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai District.

4.A.Anubuselvam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents No.1 and 2 to grant



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permission to the Petitioner and the Petitioner's community people for worship the God and conducting the “ANNATHANAM FESTIVAL” on 04.08.2023 in southside of “Sri Suyambu Solaichatha Ayyanar, Vazhai Sathaya Ayyanar Temple” situated at Survey No.14/1, Thiruvaidaiyarpatti Village, Thiruppathur Taluk, Sivagangai District consequently direct the 3rd respondent to provide protection for Annathanam, based on the Petitioner's representation, dated 28.07.2023.

For Petitioner	: M/s.A.Banumathy
For R-1 & R-2	: Mr.S.Kameswaran Government Advocate
For R-3	: Mr.K.Sanjai Gandhi, Government Advocate (Criminal Side)
For R-4	: Mr. E.Marees Kumar

ORDER

This Writ Petition is filed for Writ of Mandamus to direct the respondents No.1 and 2 to grant permission to the Petitioner as well as the community people for worship the God and conduct the “Annathanam Festival”.

2. Heard M/s.A.Banumathy, the Learned Counsel appearing for the petitioner, Mr.S.Kameswaran, the Learned Government Advocate appearing for the respondents 1 & 2, Mr.K.Sanjai Gandhi, the Learned Government Advocate



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(Criminal Side) appearing for the 3rd respondent, Mr. E.Marees Kumar, Learned Counsel appearing for the 4th respondent and perused the material documents placed on record.

3. This Court while granting interim order, dated 03.08.2023, directed the Tahsildar, Tiruppathur to conduct a Peace Committee Meeting between two rival claimants and pass order on that date itself. It was also directed the Tahsildar shall take ground reality and pass orders and if no law and order arises the Tahsildar has to grant permission.

4. Based on the interim order, the Tahsildar has convened Peace Committee Meeting and it was decided as under:

“1. திருவுடையார்பட்டி கிராமத்தில் அமைந்துள்ள (ஸ்ரீசோலைசாத்த அய்யனார் கோவிலில் வெள்ளிக்கிழமை 04.08.2003 அன்று 'A' தரப்பினரால் நடத்தப்படும் அன்னதான விழாவில் உரிய பாதுகாப்பு வேண்டுமென சென்னை உயர்நீதிமன்ற உத்தரவு W.P(MD)No.18887 of 2023-ன் படி நடவடிக்கை எடுக்க வேண்டுமென 'அ' தரப்பினர் தெரிவித்தனர்.



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இதற்கு ஆ தரப்பினர் நீதிமன்ற உத்தரவு தீர்ப்பின் அடிப்படையில் விழா நடத்த தாங்கள் ஆட்சேபனை தெரிவிக்கவில்லை என தெரிவித்தனர்.

உயர்நீதிமன்ற தீர்ப்பின் நகல் கிடைக்கப்பெற்ற பின் தீர்ப்பின் அடிப்படையில் எந்த இடத்தில் சுட்டிக்காட்டப்பட்டுள்ளதோ அந்த இடத்தில் அன்னதானமோ மற்ற நிகழ்வுகளோ நடத்துவது என கூட்டத்தில் முடிவு செய்யப்பட்டது.

5. In fact, the rival claimants were also present in the Peace Committee Meeting and they have also granted approval for conducting 'Annathanam'. However, it was decided to earmark the place once the order of this Court is received.

6. However, the rival claimants alleged that they were not included in the 'Annathanam' festival. But, the Tahsildar and the Village Administrative Officer have submitted a report before this Court, wherein it is stated that there is no allegation that the petitioner and other people had prevented anybody from



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participating in the 'Annathanam'.

7. Recording the said report of the Tahsildar, this Court is of the considered opinion that the petitioner and other persons had not prevented anyone from participating in the 'Annathanam'. However, the facts remains the rival claimants did not participate in the 'Annathanam'. Since the festival is over, the petitioner and other persons are directed to include the rival claimants in the upcoming years 'Annathanam' and receive “தலைக்கட்டு வரி.”□

8. With the above directions, this Writ Petition is closed. No Costs.

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

22.08.2023



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To

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Sivagangai District,
Sivagangai.
- 2.The Assistant Commissioner,
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S.SRIMATHY, J

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