



W.P(MD)No.21635 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD) No.21635 of 2023

M.Pandiaraj

... Petitioner

Vs.

1. The District Collector
Virudhunagar District
2. The Tahsildar,
Watrap Taluk,
Virudhunagar District
3. The Superintendent of Police,
Virudhunagar District.
4. The Inspector of Police
Krishnankovil Police Station,
Virudhunagar District.
5. Duraipandi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 4th respondent to grant permission and protection for Kumbabishegam and also installation of Sangili Karuppasamy Idol on 09.09.2023 in Sri Pon



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Irulappaswamy, Periyakaruppasamy and Sangili Karuppasamy Thirukoil, situated at K.Pudur, Kalyanipuram Road, Sundarapandiyam Village, Virudhunagar District by considering the representation of the petitioner dated 22.08.2023.

For Petitioner	: Mr.M.Gnana Guru Nathan
For R1 to R4	: Mr.M.Sakthi Kumar Government Advocate (Crl.side)
For R5	: Mr.S.Poorna Chandran

ORDER

This Writ petition has been filed seeking issuance of Writ of Mandamus, directing the 4th respondent to grant permission and protection for Kumbabishegam and also installation of Sangili Karuppasamy Idol on 09.09.2023 in Sri Pon Irulappaswamy, Periyakaruppasamy and Sangili Karuppasamy Thirukoil, situated at K.Pudur, Kalyanipuram Road, Sundarapandiyam Village, Virudhunagar District by considering the representation of the petitioner dated 22.08.2023.

2.The facts in brief:

A temple called Sri Pon Irulappaswamy, Periyakaruppasamy



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and Sangili Karuppasamy Thirukoil, situated at K.Pudur, Kalyanipuram Road, Sundarapandiyam Village, Virudhunagar District, is the kula theivam for the Village people. There are three idols namely Sri Pon Irulappaswamy, Periyakaruppasamy and Sangili Karuppasamy. For about 500 years the Villagers are worshipping the idols. On 22.04.2020 one Thangapandi, Duraipandi and Irulappan damaged the peedam of Sangili Karuppasamy idol and removed the same.

3.The Village people advised them to place the idol in the peedam itself. Without erecting the same it is kept in the temple. After some time that was also taken away. So a complaint was given to the fourth respondent. But so far, no action is taken. Pending the same, now they proposed to conduct Kumbabishekam on 02.02.2023. Even though permission letter was submitted, no action has been taken. Hence, this petition.

4.During the pendency of this writ petition, the petitioner submitted a representation seeking permission to install the idol. But, the learned Additional Public Prosecutor would submit that since there are three pangalis, the permission was rejected by the competent authority.



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5. On perusal of the records shows that in pursuance of the peace committee resolution only the said permission letter was given to the District Collector. So the learned Additional Public Prosecutor was required to verify the stage of the representation, dated 09.08.2023. When the matter was taken up for hearing on 20.11.2023, this Court directed the petitioner to file undertaking affidavit that they will bear the cost of manufacturing of 18 idols. At the time of argument, it was also submitted by the respondents that they have no objection to incur the cost of the idols by the petitioner and install the same at their own expenses. The petitioner also submitted that they will install the damaged idols in that original place.

6. In pursuant of the above said order passed by this Court, the petitioner filed an undertaking affidavit, that they will bear the cost of manufacturing the 18 idols called Parivara Theivangal. Paragraph No.6 reads as follows:

“6.I submit that the people have made ready the idol for Sri Sangili Karuppasamy which was already damaged and taken by the 5th respondent and others.



The Idol is ready on 24.07.2022 and it has to be installed and Kumbabishegam has to be contested. It is pertinent to mention that in the above said temple there were existing 3 idols which was agreed by both the parties, further in the peace committee meeting it was instructed that apart from that existing statue of Gods 18 subsidiary gods (parivara Deivangal) may be installed and as per the Hindu rites and tradition, the said Kumbabishegam can be conducted. Agreed by that, with an intention to conduct the festival peacefully we and out villages decided to obey the resolution made by the 2nd respondent and to make ready the 18 Parivara Deivangal statues and we may be permitted to install Sangili Karuppasamy statue first where the same is existed and thereafter the said 18 Parivara Deivangal can be installed. Kindly grant permission and protection for Kumbabishegam and also installation of Sangili Karuppasamy Idol in “Sri Pon Irulappaswamy, Periyakaruppasamy & Sangili Karuppasamy Thirukoil” situated at Kalyanipuram Road, Sundarapandiyam Village, Virudhunagar District.”

7.In view of the above said undertaking accepted by the private respondent herein, this writ petition stands disposed of. Both parties are



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directed to abide by the above said undertaking without any deviation.

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NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

1. The District Collector
Virudhunagar District
2. The Tahsildar,
Watrap Taluk,
Virudhunagar District
3. The Superintendent of Police,
Virudhunagar District.
4. The Inspector of Police
Krishnankovil Police Station,
Virudhunagar District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

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Order made in
W.P(MD)No.21635 of 2023

Dated 29.11.2023