



W.P.(MD) Nos.9400 & 9404 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	13.06.2024
Delivered on	09.07.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) Nos.9400 & 9404 of 2024

and

W.M.P.(MD) Nos.8545 & 8546 of 2024

W.P.(MD) No.9400 of 2024

T.Chinnadurai

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Tuticorin District.

2.The Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.

3.The Tahsildar,
Eral Taluk,
Tuticorin District.

4.D.Muthukaruppan @ Velayutham

5.D.Rajendran

6.D.Durai

7.D.Vaikunaramasamy @ Kumar

... Respondents



W.P.(MD) Nos.9400 & 9404 of 2024

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the first respondent to allow the petitioner to continue his poojariship for the period from 15.05.2024 to 14.09.2024 by considering the petitioner's representation, dated 20.03.2024 within the time limit as fixed by this Court.

For Petitioner : Mr.K.K.Samy
For R1 to R3 : Mr.S.P.Maharajan
Special Government Pleader
For R4 : Mr.G.Prabhu Rajadurai
For R5 & R7 : Mr.H.Lakshmi Shankar
for S.Ramesh
For R6 : Mr.S.Rajasekar

W.P.(MD) No.9404 of 2024

1.M.Deivathadiyaan @ Manikandan
2.M.Muthukaruppan ... Petitioners

Vs.

1.The District Collector,
Koramballam,
Thoothukudi,
Thoothukudi District.
2.The Revenue Tahsildar cum
Executive Magistrate,
Eral, Eral Taluk,



W.P.(MD) Nos.9400 & 9404 of 2024

Thoothukudi District.

3. Mr. R. Gopalakrishnan,

Presently working as
ISRO Land Acquisition Tahsildar,
Tiruchendur,
Thoothukudi District and

Previously working as
Revenue Tahsildar cum Executive Magistrate,
Eral Taluk, Thoothukudi District.

4. D. Rajendran

5. D. Durai

6. D. Vaikunda Ramasamy @ Kumar

7. T. Chinnadurai

8. M. Kalavathi

9. D. Muthukaruppan Pillai @ Velayutham ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the second respondent in ந.க.ஆ. 2/42/2020 dated 13.01.2024 and quashing the same and issuing a consequential direction to the second respondent to ensure that the annual turn for the year 2024 in respect of 4 months commencing from 14.05.2024 to 16.09.2024 (Vaigaasi, Aani and Aavani which includes Kodaivizha period) is given to the petitioner in Arulmigu Aarumugamangalam Shri Vembadi Sudalaimadaswamy Thirukoil.



W.P.(MD) Nos.9400 & 9404 of 2024

For Petitioners : Mr.N.Dilipkumar
For R1 to R3 : Mr.S.P.Maharajan
Special Government Pleader
For R4 & R6 : Mr.H.Lakshmi Shankar
for S.Ramesh
For R5 : Mr.S.Rajasekar
For R7 : Mr.K.K.Samy
For R9 : Mr.G.Prabhu Rajadurai

COMMON ORDER

By this common order, both these Writ Petitions are being disposed of.

2. These Writ Petitions have been filed by the respective petitioners for the following relief:-

W.P.(MD) No.9400 of 2024	W.P.(MD) No.9404 of 2024
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W.P.(MD) Nos.9400 & 9404 of 2024

For issuance of a Writ of Mandamus directing the first respondent [District Collector, Tuticorin] to allow the petitioner to continue his Poojariship for the period from 15.05.2024 to 14.09.2024 by considering the petitioner's representation dated 20.03.2024 within a time limit as fixed by this Court.

For issuance of a Writ of Certiorarified mandamus, calling for the records related to the impugned order of the second respondent [The Revenue Tahsildar cum Executive Magistrate, Eral, Eral Taluk, Thoothukudi District] dated 13.01.2024 bearing reference No.Na.Ka.Aa2/42/2020 and quashing the same and issuing a consequential direction to the second to ensure that the annual turn for the year 2024 in respect of 4 months commencing from 14.05.2024 to 16.09.2024 (Vaigassi, Aani, Aadi, Aavani which includes Kodaivizha Period) is given to the petitioners in Arulmigu Aarumugammangalam Shri Vembadi Sudalaimadaswamy Thirukoil.

'A' Branch

'C' Branch

3. Relevant portion of the impugned order dated 13.01.2024 impugned in W.P.(MD) No.9404 of 2024 reads as under:-

“எனவே, பார்வை 1 முதல் 7 வரை உள்ள கோரிக்கை மனுக்களை பரிசீலனை செய்தும், பார்வை 8-ல் கண்டுள்ள ஸ்ரீவைகுண்டம் வட்டாட்சியரின் கூட்ட நடவடிக்கை முடிவுகளின்படியும், பார்வை 11-ல் கண்டுள்ள மாண்புமிகு சென்னை உயர்நீதிமன்ற மேல்முறையீட்டு வழக்கின் தீர்ப்புரையின்படியும், ஏரல் வட்டம், கொட்டாரக்குறிச்சி கிராமம், ஆறுமுகமங்கலம் ஸ்ரீவேம்படி சுடலைமாடசாமி கோவில் நிர்வாக பொறுப்பினை மாற்றுவதற்கு பின்வருமாறு உத்தரவிடப்படுகிறது.

ஆண்டு	முதல் நான்கு மாதம்	இரண்டாவது நான்கு மாதம்	மூன்றாவது நான்கு மாதம்
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W.P.(MD) Nos.9400 & 9404 of 2024

2024	திருஞானசம்பந்தம் வகையராதை மாதம் 1-ம் தேதி முதல் சித்திரை மாதம் முடிய	முத்துக்கருப்பன் என்ற வேலாயுதம், ராஜேந்திரன், துரை, வைகுண்டராமசாமி என்ற குமார் (தெய்வத்தடியா பிள்ளை வாரிசுகளுக்கு மேற்கண்ட நான்கு மாதங்களில் சித்திரை மாத இறுதியில் திருஒலைச்சீட்டு மூலமாக கோவில் நிர்வாக ஒப்படைப்பு முடிவு செய்யப்படும். (வைகாசி மாதம் 1ம் தேதி முதல் ஆவணி மாதம் முடிய)	தெய்வத்தடியா (எ) மணிகண்டன் வகையரா (புரட்டாசி மாதம் 1ம் தேதி முதல் மார்கழி மாதம் முடிய)
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மேற்கண்ட சுழற்சி முறையின்படி ஆறுமுகமங்கலம் ஸ்ரீவேம்படி சுடலைமாடசுவாமி கோவிலில் பரம்பரை தர்மகர்த்தா பொறுப்பு மற்றும் பூஜைகள்/விழாக்கள் முதலானவற்றை தற்போது நிர்வாகம் நடத்தி வரும் திருவைகுண்டராமசாமி என்பவரின் மகன் திரு.கணேசன் என்பவர் சுழற்சி முறையின்படி, எதிர்வரும் தை மாதம் 1-ஆம் தேதி (15.01.2024 அன்று) ஸ்ரீவேம்படி சுடலைமாடசுவாமி கோவிலில் பரம்பரை தர்மகர்த்தா பொறுப்பு மற்றும் பூஜைகள்/விழாக்கள் முதலானவற்றை நடத்திட திரு. திருஞானசம்பந்தம் என்பவரின் மகன் திரு.சின்னத்துரை என்பவருக்கு பொறுப்பு மாற்றி சாவி ஒப்படைக்க உத்தரவிடப்படுகிறது.

மேற்கண்ட ஏரல் வட்டம், கொட்டாரக்குறிச்சி கிராமம், ஆறுமுகமங்கலம் ஸ்ரீவேம்படி சுடலைமாடசுவாமி கோவிலில் பரம்பரை தர்மகர்த்தா பொறுப்பு மற்றும் பூஜைகள்/விழாக்கள் முதலானவற்றை மேற்கண்ட உத்தரவு சுழற்சி முறையின்படி கோவில் பொறுப்பினை ஏற்று நிர்வாகம் நடத்தவும், சட்டம், ஒழுங்கு பிரச்சினை ஏற்படா வண்ணம், கோவில் நிர்வாகத்தினை நடத்திடவும் மேலும், மேற்கண்ட உத்தரவில் கண்ட சுழற்சி முறையில் மட்டுமே கோவில் நிர்வாகத்தை மாற்ற வேண்டும் எனத் தெரிவித்தும், அவ்வாறு நடக்க மறுத்தால் உயர்நீதிமன்ற அவமதிப்புக்கு உள்ளாகி கடுமையான சட்ட நடவடிக்கை எடுக்கப்படும் எனவும்



W.P.(MD) Nos.9400 & 9404 of 2024

தெரிவித்து இதன் மூலம் உத்தரவிடப்படுகிறது.

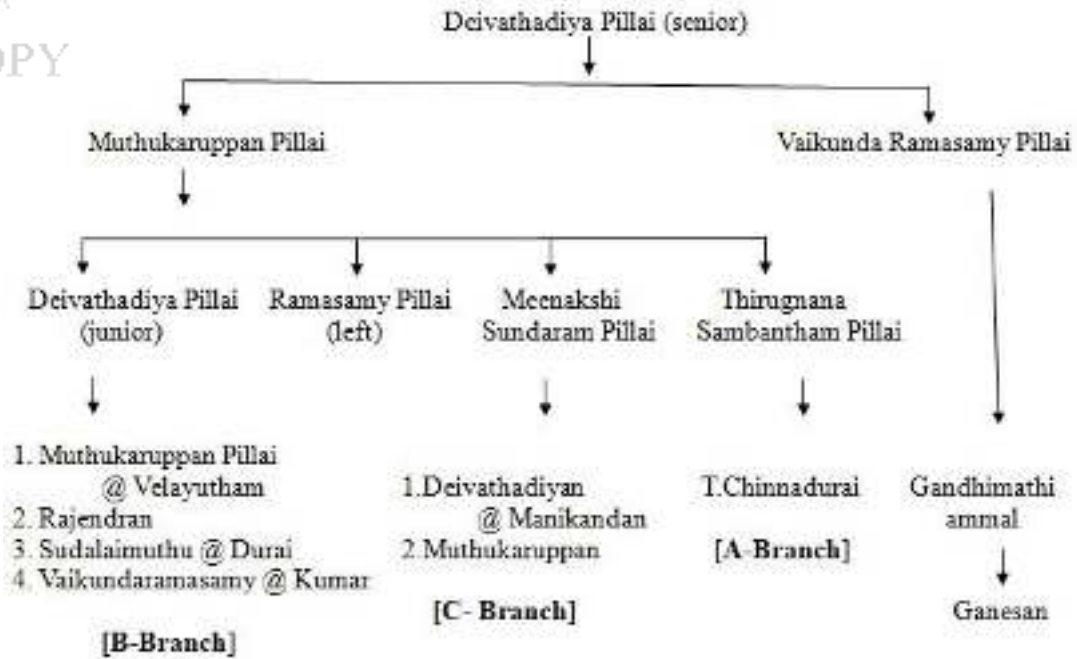
மேலும், மேற்கண்ட உத்தரவில் ஏதேனும் ஆட்சேபணை இருக்கும்பட்சத்தில் மேல்முறையீட்டு அலுவலரான திருச்செந்தூர், வருவாய் கோட்டாட்சியர் அவர்களிடம் மனு செய்து உரிய பரிகாரம் தேடிக் கொள்ள தெரிவிக்கப்படுகிறது.”

- 'A' Branch - The petitioner in W.P.(MD) No.9400 of 2024 & the 7th respondent in W.P.(MD) No.9404 of 2024
- 'B' Branch - The 4th to 7th respondents in W.P.(MD) No.9400 of 2024 & the 4th to 6th & 9th respondents in W.P.(MD) No.9404 of 2024
- 'C' Branch - The petitioners in W.P.(MD) No.9404 of 2024

4. The petitioners herein along with others are descendants of Deivathadiya Pillai (Senior). For the sake of clarity, a family tree is given below:-



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- 'A' Branch : Thirugnana Sambantham Pillai and his descendants
 'B' Branch : Deivathadiya Pillai (Junior) and his descendants
 'C' Branch : Meenakshi Sundaram Pillai and his descendants
 Ganesan Group : Adopted son of Vaikundaramasamy Pillai [other son of Deivathadiya Pillai (Senior)]

5. There is a long pending dispute between two wings of Senior Deivathadiya Pillai namely, Vaikunda Muthukaruppan Pillai and Ramaswamy Pillai since 2002. The said dispute pertains to the rights to conduct the temple festival in the subject temple namely, Sri Vembadi Sudalaimada Swamy Temple at Arumugamangalm, Eral, Thoothukudi



W.P.(MD) Nos.9400 & 9404 of 2024

District.

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6. Disputes are pending before the Hon'ble Supreme Court. They arise out of the Judgment and Decree dated 14.09.2005 passed in O.S.No. 182 of 2002. O.S.No.182 of 2022 was filed by Thirugnana Sambantham Pillai 'A' Branch before the District Munsif Court, Srivaikuntam, for a declaratory relief. The said suit was dismissed by the District Munsif Court, Srivaikuntam. In the said suit, a counter claim was filed by the father of the petitioners in W.P.(MD) No.9404 of 2024 namely, Meenakshi Sundaram Pillai 'C' Branch. The counter claim was also dismissed by the District Munsif Court, Srivaikuntam, by its Judgment and Decree dated 14.09.2005.

7. Aggrieved by the same, two appeals came to be filed before the Additional Subordinate Court, Tuticorin in A.S.No.93 of 2007 by 'A' Branch viz., Thirugnana Sambantham Pillai [the father of the petitioners in W.P.(MD) No.9400 of 2024] and A.S.No.9 of 2008 by 'C' Branch viz., Meenakshi Sundaram Pillai [the father of the petitioners in W.P.(MD) No. 9404 of 2024]. The decision of the Trial Court was reversed by the Additional Subordinate Court, Tuticorin by its Judgment and Decree



W.P.(MD) Nos.9400 & 9404 of 2024

dated 26.04.2012.

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8. Aggrieved by the same, the four sons of Deivathadiya Pillai (Junior) ['B' branch] namely Muthukaruppan Pillai @ Velayutham, Rajendran, Sudalaimuthu @ Durai and Vaikundaramasamy @ Kumar filed S.A.(MD) Nos.458 & 597 of 2012. Both the Second Appeals were dismissed by this Court on 12.09.2014.

9. Aggrieved by the Judgment and Decree dated 12.09.2014 in S.A. (MD) Nos.458 & 597 of 2012, two appeals are pending at the behest of Deivathadiya Pillai (Junior) ['B' branch] named above before the Hon'ble Supreme Court in S.L.P.(Civil) Nos.29755 & 29756 of 2014.

10. The dispute in these Writ Petitions is confined to the *inter-se* rights to conduct temple festival between grandsons of Muthukaruppan Pillai through his (1) first son Deivathadiya Pillai (Junior) ['B' Branch], (2) third son Meenakshi Sundaram Pillai ['A' Branch] and (3) fourth son Thirugnana Sambantham Pillai ['C' Branch]. One of the sons of Muthukaruppan Pillai namely, Ramasamy Pillai has no claims over rights.



W.P.(MD) Nos.9400 & 9404 of 2024

11. The descendants of Deivathadiya Pillai (Senior) through his first son Muthukaruppa Pillai representing three branches namely, Thirugnana Sambantham Pillai ['A' Branch], Deivathadiya Pillai (Junior) ['B' Branch], and four sons and Meenakshi Sundaram Pillai ['C' Branch] approached the Tahsildar. In a peace committee meeting held on 13.01.2016, the Tahsildar had recorded an interim arrangement to be followed by three branches namely A, B & C pending final resolution of the dispute by the Hon'ble Supreme Court. As per the decision of the aforesaid Peace Committee, the right to worship is on rational basis.

12. The relevant portion of the interim arrangement agreed upon between them before the Executive Magistrate/Tahsildar reads as under:-

“கூட்டத்தில் கீழ்க்கண்ட கருத்துக்கள் விவாதிக்கப்பட்டன

1.முதலாவது, மூன்று தரப்பினரும் தமது தரப்புக்கு தலா நான்கு மாதம் என்பதை ஏற்றுக் கொள்கிறார்களா என்பது குறித்து கருத்து கோரப்பட்டதில், மூன்று தரப்பினரும் தலா நான்கு மாதம் என்பதை ஏற்றுக் கொள்வதாக சம்மதம் தெரிவித்தனர்.

2.தமக்குள் பேசி உடன்பாடு ஏற்படுத்திட வாய்ப்பு அளிக்கப்பட்டதில் தமக்குள் பேசிக்கொள்ள வேண்டியதில்லை என தெரிவித்ததால், இம்முயற்சி கைவிடப்பட்டது.

3.மூன்று தரப்பினரும் ஆறுமுகமங்கலம் அருள்மிகு ஸ்ரீவேம்படி சுடலைமாடசுவாமி திருக்கோவில் பூஜை கைங்கர்யங்களை செய்து வருவதால் மேற்படி சுவாமியை வேண்டி திருவுளச்சீட்டு எழுதி அதன் அடிப்படையில் முதலாவது நபர், இரண்டாவது நபர் மற்றும் மூன்றாவது நபர் முடிவு செய்வது தொடர்பாக மூன்று தரப்பினரிடமும்



W.P.(MD) Nos.9400 & 9404 of 2024

கோரப்பட்டதில் திருவுளச்சீட்டு முறையை ஏற்றுக் கொள்வதாகத் தெரிவித்தனர்.

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4.மேலும், திருவுளச்சீட்டு முறையில் முதல், இரண்டாவது, மூன்றாவது நபர் முடிவு செய்து, 2016ம் ஆண்டு 1, 2, 3 என்ற வரிசையிலும், 2018ம் ஆண்டு 2, 3, 1 என்ற வரிசையிலும், 2020ம் ஆண்டு 3, 1, 2 என்ற வரிசையிலும் பொறுப்பு ஏற்று நடத்தலாம் என்று, இவ்வரிசையில் தலா நான்கு மாதங்கள் பொறுப்பு ஏற்கும்போது, மூன்று தரப்பினருக்கும் கொடை நடத்தும் வாய்ப்பு கிடைக்கும் என்ற விபரம் கூறப்பட்டு, மூன்று தரப்பினராலும் ஏற்றுக் கொள்ளப்பட்டது.

5.மேலும், இது தொடர்பாக உச்சநீதிமன்றத்தில் தொடரப்பட்டுள்ள வழக்கில் வழங்கப்படும் தீர்ப்பின் அடிப்படையில் மேற்கண்டவாறு விவாதிக்கப்பட்ட நடைமுறைகள் தீர்ப்பின் அடிப்படையில் மாறுபாட்டுக்குரியது என்பதும் எடுத்துக் கூறப்பட்டு, அனைவராலும் ஏற்றுக் கொள்ளப்பட்டது.

மேலும், ஒவ்வொரு நான்கு மாதமும் முடிவுற்றதும், பொறுப்பை நிறைவு செய்யும் தரப்பினர் அடுத்து பொறுப்பு ஏற்கும் தரப்பினருக்கு எவ்வித பிரச்சனையும் இன்றி பொறுப்பை ஒப்படைக்க வேண்டும் எனவும், அதில் ஏதும் பிரச்சனை எழுந்தால் சட்டப்படி நடவடிக்கை எடுக்கப்படும் என்பதும் அனைவருக்கும் கூறப்பட்டது.

மேற்படி விவரங்கள் அனைத்து தரப்பினராலும் ஏற்றுக் கொள்ளப்பட்டு கையொப்பமிடப்பட்டது.

இதனைத் தொடர்ந்து திருவுளச்சீட்டு எழுதப்பட்டு, குலுக்கப்பட்டதில், பின்வருமாறு திருவுளச்சீட்டு கிடைக்கப்பட்டு வரிசைப்படுத்தப்பட்டது.

- 1.திரு.திருஞானசம்பந்தம்பிள்ளை வகையறா
- 2.திரு.முத்துக்கருப்பன் (எ) வேலாயுதம் வகையறா
- 3.திரு.தெய்வதடியான் (எ) மணிகண்டன் மற்றும் திரு.எம்.முத்துக்கருப்பன் வகையறா

அதன்படி தை 1ம் நாள் (15-01-2016) திரு.திருஞானசம்பந்தம்பிள்ளை வகையறா கோவில் பொறுப்பு ஏற்க வேண்டும். மேற்படி நபர் வைகாசி 1-ம் நாள் திரு.முத்துக்கருப்பன் (எ) வேலாயுதம் வகையறாவிடம் பொறுப்பை ஒப்படைக்க வேண்டும். புரட்டாசி 1-ம் நாள் திரு.தெய்வதடியான் (எ) மணிகண்டன் மற்றும் திரு.எம்.முத்துக்கருப்பன் வகையறாவிடம் திரு.முத்துக்கருப்பன் (எ) வேலாயுதம் வகையறாவினர் பொறுப்பை ஒப்படைக்க வேண்டும். இம்முறைகள் முடிவுற்றதும் அடுத்த தை 1-ம் நாள் 2017 ஆம் ஆண்டு கணேசன் வகையறா கோவில் பொறுப்பு ஏற்க வேண்டும்.”

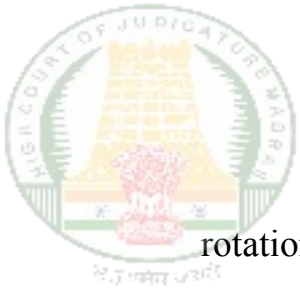


W.P.(MD) Nos.9400 & 9404 of 2024

WEB COPY 13. Thus, the parties hereto are entitled to conduct temple festival from the year 2016 onwards on turns. A set of arrangement has been arrived at by dividing an English Year corresponding to Tamil Calender Year into 4 months starting from 15th January and ending with 14th January of the ensuing years.

14. Thus, the descendants of Muthukaruppan Pillai are entitled to manage the affairs of the temple and conduct the temple festival during even years, whereas, the Ganesan Group, the adopted son of Vaikunda Ramasamy Pillai and his wife Gandhimathiammal are entitled to manage the affairs of the temple and conduct the temple festival during odd years. The said Muthukaruppan Pillai has four sons. One of them has waived his rights.

15. Therefore, the descendants of Muthukaruppan Pillai through other three sons are entitled to manage the affairs of the temple and conduct the temple festival during even years. The even years were divided into three parts, so that, the three Branches of Muthukaruppan Pillai through his sons/grandsons can conduct the temple festival on



W.P.(MD) Nos.9400 & 9404 of 2024

rotational basis.

16. As per the interim arrangement, they are entitled to manage the affairs of the temple and conduct the temple festival. For clarity, the following chat is given below:-

<i>Year</i>	<i>1st four months</i>	<i>2nd four months</i>	<i>3rd four months</i>
2016	A	B	C
2017	Ganeshan Group *		
2018	B	C	A
2019	Ganeshan Group *		
2020	C	A	B
2021	Ganesh Group *		
2022	A	B	C
2023	Ganesh Group *		
2024	B	C	A

Note:-

1st four months : தை - சித்திரை [15th of January - 14th of May approximately]

2nd four months : வைகாசி - ஆவணி [15th of May - 14th of September approximately]

3rd four months : புரட்டாசி - மார்கழி [15th of September - 14th of January approximately]

17. The background of the dispute between the parties is on account



W.P.(MD) Nos.9400 & 9404 of 2024

of changes in 2022. As per the above table, the actual sequence should have been “ABC” i.e., the first four months for 'A' Branch, second four months for 'B' Branch and third four months for 'C' Branch respectively. Instead of sequence “ABC” for 2022, the sequence that was followed in 2022 was “BAC”.

18. The elder son of Devathadiya Pillai (Junior) namely, Muthukaruppan Pillai @ Velayutham deviated and usurped the first four months of 2022 to the exclusion not only his brothers but also 'A' Branch the petitioner in W.P.(MD) No.9400 of 2024. A representation was made to the Tahsildar to ameliorate the situation as there were disputes.

19. Pursuant to the representation of the elder son of Devathadiya Pillai (Junior) namely, Muthukaruppan Pillai @ Velayutham, a notice was issued to the other wing namely, Ganesan, the adopted son of Vaikunda Ramasamy Pillai and his wife Gandhimathiammal, the other son of Deivathadiayan Pillai (Senior). The said notice was challenged by the said Ganesan before this Court in W.P.(MD) No.12740 of 2021.

20. By an order dated 15.12.2021, the said Writ Petition was



W.P.(MD) Nos.9400 & 9404 of 2024

disposed of with the observation that the arrangement has to continue till 14.01.2022. Thereafter, in the manner and the procedure which was adopted, the rights may be handed over to the said Vellayutham @ Muthukaruppan Pillai, who was to be the hereditary trustee, either by himself or with anybody who is aligned with him continue to perform pooja and other activities with respect to the temple till 14.01.2023. Thereafter, once again the arrangement was to revert back to the petitioner and his group. The Tahsildar was directed to ensure that there was peace insofar as worship in the temple was concerned.

21. Since the said Writ Petition was disposed of without involving the rest of the members of Branch A, B & C through Muthukaruppan Pillai, the issue came up before the Division Bench of this Court in W.A. (MD) Nos.10, 28 & 76 of 2022. The Court after taking note of the conduct of Muthukaruppan Pillai @ Velayutham, the elder son of Devathadiya Pillai (Junior) of 'B' Branch, passed the following orders on 11.07.2022:-

“5.The interim arrangement continued even thereafter, which is seen from the order in the W.P. (MD)No.17426 of 2018, dated 10.08.2018. It is to be noted that Velayutham @ Muthukaruppan claims exclusive right to perform pooja and other services for a period of four months in every turn of two years



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W.P.(MD) Nos.9400 & 9404 of 2024

representing the branch of Deivathadiya Pillai (Junior) without an adjudication or a decision by any authority or forum so far. It is submitted before this Court by the other sons of Deivathadiya Pillai (Junior) that each one of them are also performing pooja and other services exclusively for a period of one month in every turn. In the said background, Velayutham @ Muthukaruppan approached the Tahsildar to declare him as hereditary trustee of temple. It is an attempt by the third respondent in the Writ Appeal to get an order behind the members of his own branch. In response to a representation of Velayutham @ Muthukaruppan, a notice was issued to the Writ Petitioner and Velayutham @ Muthukaruppan by the Tahsildar. This notice that was issued to the Writ Petitioner was put to challenge in the Writ Petition in W.P.(MD)No.12740 of 2021.

6.The learned Single Judge while disposing of the Writ Petition, appears to be under the impression that the dispute is between the two branches of Writ Petitioner/first respondent and the third respondent. Aggrieved by the order in the Writ Petition, the above three appeals have been preferred by the members of other branches and the brothers of Velayutham @ Muthukaruppan, who are entitled to perform pooja and other services in the temple as per the turn system.

7.All the parties have admitted before this Court that the order impugned in the Writ Appeals cannot be sustained, as the learned Single Judge has not considered the facts and proceedings, recognising/recording the rights of all parties, which are referred to by this Court in various proceedings. In such circumstances, this Court has no hesitation to hold that the impugned order of Writ Court cannot be sustained. Going by the records, this Court is also convinced that all the four sons of Deivathadiya Pillai



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W.P.(MD) Nos.9400 & 9404 of 2024

(Junior) are entitled to perform pooja and other services in accordance with the turn system, as directed by the Tahsildar in 2016 and subsequently, in 2018 pursuant to a peace committee meeting. It is made clear that the third respondent in these appeals, namely, the second respondent in the Writ Petition, has no exclusive right to perform pooja and other services during the four months period representing Deivathadiya Pillai (Junior) branch. The four months which should be allotted to the branch of Deivathadiya Pillai (Junior), will be shared by Rajendran, Sudalaimuthu @ Durai Vaikundaramasamy @ Kumar and Velayutham @ Muthukaruppan equally. This arrangement will remain and continue to be in force till the disposal of the Civil Appeal filed as against the judgment of this Court in the two second appeals.

8.Since the issue was not before the Court with regard to the rights of Meenakshi Sundaram Pillai and Thirugnanasambandam, it is made clear that the right to perform pooja and other services for a period of four months as per the turn system which is recognised in favour of the heirs of Meenakshi Sundaram Pillai and Thirugnanasambantham cannot be interfered with and hence, this Court recognises and sustain the rights of all parties, as it was decided by the Tahsildar pursuant to the peace committee meeting, which was followed subsequently in 2018.

9.It is now admitted that the poojariship and other services have to be rendered by Thiruganasambatham, representing the third branch, and his right to perform the same till the end of Avani (month) will be intact. Thirugnanasambantham shall handover the keys to the heirs of Meenakshi Sundaram Pillai, by the end of Aavani. It is also admitted that the turn system should be strictly adhered to. Since one year is calculated from Thai to



W.P.(MD) Nos.9400 & 9404 of 2024

*Margazhi, Ganesan is entitled to perform pooja and other services after completion of four months by the heirs of Meenakshi Sundaram Pillai by the end of Margazhi. **The members, who are parties in the above appeals shall keep it in mind that the order of this Court recognising the practice followed so far should be strictly adhered to. Any person, who creates problems to any other branch shall be liable to be prosecuted for contempt of Court.***

*10.It is the grievance of the other heirs of Deivathadiya Pillai (Junior), namely, Rajendran, Sudalaimuthu @ Durai, Vaikundaramasamy @ Kumar, that Velayutham @ Muthukaruppan, one of the sons of Deivathadiya Pillai (Junior), was performing pooja and other services for the entire four months, that have to be shared by all the heirs of Deivathadiya Pillai Junior. Therefore, a request is made that Velayutham @ Muthukaruppan should be kept away from the pooja and other services for the next six years. **It is open to the heirs of Deivathadiya Pillai (Junior), either to agree for a workable solution mutually or approach the Civil Court for appropriate orders in case the issue cannot be decided by Hon'ble Supreme Court.***

11.In view of the order passed by this Court, when an issue is addressed before the Executive Magistrate or Police Officials in relation to the affairs of the temple, they shall keep in mind the order of this Court, so that the arrangement will not be disturbed or modified under the guise of law and order issue, at the instance of any third party or any one of the parties to these appeals.

12.With the above directions, these Writ Appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.”



W.P.(MD) Nos.9400 & 9404 of 2024

WEB COPY 22. As per 2016 arrangements, the correct sequence for 2024 would have been 'BCA'. It is the case of the petitioner in W.P.(MD) No.9404 of 2024 ['C' Branch], that the Tahsildar in the impugned order dated 13.01.2024 has allowed the same sequence which was to be followed originally during 2022, whereas, the petitioner in W.P.(MD) No.9400 of 2024 ['C' Branch] would be entitled to conduct temple festival only during the period starting from 5th May, 2024 upto 14th September, 2024 which is the peak period for the temple festival during year.

23. It is submitted by Mr.N.Dilipkumar for 'C' Branch [the petitioners in W.P.(MD) No.9404 of 2024], that 'C' Branch has the rights to conduct the temple festival during the Tamil Calender Month starting from Vaikasi (வைகாசி) and ending with Aavani (ஆவணி) in 2024 [15th May - 14th September] and this turn comes once in 6 years. It is submitted that the temple festival was allowed during the peak season for 'C' Branch last in 2018. This rights has been wrongly conferred on 'B' branch namely, 4 sons of Deivathadiya Pillai (Junior) vide the impugned order contrary to the order dated 11.07.2022 of the Hon'ble Division Bench of this Court in W.A.(MD) Nos.10, 28 & 76 of 2022.



W.P.(MD) Nos.9400 & 9404 of 2024

WEB COPY 24. It is submitted that there was no fault on 'C' Branch viz., the petitioners in W.P.(MD) No.9404 of 2024 and the impugned order of the Tahsildar made this allocation and changed the sequence contrary to the decision of the Division Bench of this Court. Particularly, the learned counsel for the petitioners in W.P.(MD) No.9404 of 2024 would submit that in paragraphs 10 & 11 of the order dated 11.07.2022 in W.A.(MD) Nos.10, 28 & 76 of 2022, the Hon'ble Division Bench has categorically stated that *inter se* dispute between 'B' branch i.e., sons of Devathadiya Pillai (Junior) has to be worked out in a Civil Court and that the Tahsildar has to keep in mind the order of the Court in the said Writ Appeals as also the arrangements that was made between parties from 2016. Subsequently, a reference is made to paragraphs 8 & 11 of the Judgment which have been extracted above.

25. Defending the impugned order of the Tahsildar dated 13.01.2024, Mr.H.Lakshmi Sankar appearing for the other three sons of Deivathadiya Pillai (Junior) 'B' branch would submit that the arrangements was disturbed by their elder brother Muthukaruppan Pillai @ Velayutham during 2022. He had usurped the term of the first turn of



W.P.(MD) Nos.9400 & 9404 of 2024

T.Chinnadurai 'A' Branch [the petitioner in W.P.(MD) No.9400 of 2024]

during 2022, which was rectified by casting the position by allowing 'A' Branch to take up the second turn during 2022 i.e., between 15th May to 14th September, 2022.

26. It is submitted that it would not mean that what was followed in 2022 should be allowed to be followed without required deviation. It is therefore submitted that the petitioners in W.P.(MD) No.9404 of 2024, sons of Meenakshi Sundaram Pillai ['C' branch] had consented before the Division Bench which was not challenged even though the rights stood vested with 'B' Branch during 2022.

27. It is submitted that merely because their elder brother had encroached the rights of 'A' Branch namely, T.Chinnadurai, the son of Thirugnana Sambantham Pillai [petitioner in W.P.(MD) No.9400 of 2024] *ipso facto* would not mean that deviation in 2022 should not be corrected in 2024.

28. The learned counsel for the younger sons of Deivathadiyan Pillai (Junior) Mr.Lakshmi Shankar would draw attention to ground 10 in



W.P.(MD) Nos.9400 & 9404 of 2024

the affidavit filed in support of W.A.(MD) No.28 of 2022 against the order dated 15.12.2021 passed in W.P.(MD) No.12740 of 2021 which reads as under:-

“10. The Learned Judge failed to see that as per the terms of the peace committee meeting dated 12.01.2018 and 25.06.2018, the 1st Respondent herein should handover the rights of the temple to one Thirugnanasampantham from 1st Thai 2022, who in turn handover the rights to the Appellant 1st Vaigasi 2022, and the 3rd Respondent herein and his brothers are entitled for the rights from 1st Protasi 2022, who shall handover the rights to the 1st Respondent herein from 1st Thai 2023.”

29. The learned counsel for the younger sons of Deivathadiyan Pillai (Junior) would further submit that the right of the writ petitioners in W.P.(MD) No.9404 of 2024 ['C' Branch] is not affected, if as per the present turn, the younger sons of Deivathadiyan Pillai (Junior) namely, Rajendran, Sudalaimuthu @ Durai and Vaikundaramasamy @ Kumar are entitled to conduct the Kodai Vizha (கொடை விழா) during the present year (2024) and the writ petitioners in W.P.(MD) No.9404 of 2024 ['C' Branch] will get their rights to conduct the festival in 2026.

30. He would further submit that taking advantage of the order



W.P.(MD) Nos.9400 & 9404 of 2024

passed by this Court dated 15.12.2021 in W.P.(MD) No.12740 of 2021, the eldest son of Deivathadiyan Pillai (Junior) namely, Velayutham Pillai @ Muthukaruppan Pillai had disrupted the normal cycle and took the charge during Thai (தை) in 2022, resulting in cascading changes for subsequent years. Therefore, the year 2022 should be considered as a first in the cycle year and the advantage derived by Group 'A' by conducting the Kodai Vizha in 2020 should be considered in the background of covid-restrictions celebration of festival.

31. The learned counsel for the petitioner in W.P.(MD) No.9400 of 2024 T.Chinnadurai, S/o.Thirugnana Sambantham Pillai 'A' Branch would submit that before the interim arrangement was made in the year 2016, the parties were also following a turn system consistently, as per which, Ganesan was authorized to perform pooja etc., biannually. Remaining 3 Branches including the petitioner's Branch i.e., 'A' Branch divided 4 months each in a year. It is submitted that that 'A' Branch i.e., the petitioner in W.P.(MD) No.9400 of 2024 and his father Thirugnana Sambantham Pillai were deprived their rights to perform pooja during the period between 15.05.2014 to 14.09.2014 and was enjoyed by 'B' Branch i.e., Deivathadiyan Pillai (Junior) and his sons. Therefore, to compensate



W.P.(MD) Nos.9400 & 9404 of 2024

the loss of turn, the petitioner in W.P.(MD) No.9400 of 2024 T.Chinnadurai should be given a chance to perform the pooja during the year between 15.05.2024 and 14.09.2024 as 'B' Branch is going to take over the charge for that period.

32. He would further submit that the petitioner in W.P.(MD) No. 9400 of 2024 T.Chandran sent a representation dated 20.03.2024 to the third respondent Tahsildar, Eral Taluk. Since the said representation did not evoke any response, the petitioner filed the present W.P.(MD) No. 9400 of 2024 seeking for a direction to the first respondent District Collector, Tuticorin District to allow him to continue his poojariship for the period from 15.05.2024 to 14.09.2024 by considering his representation dated 20.03.2024.

33. I have considered the arguments advanced by the learned counsel for the petitioners and the learned counsel for the private respondents and the learned Special Government Pleader for the official respondents.

34. Before dealing with the case of the petitioners in W.P.(MD) No.



W.P.(MD) Nos.9400 & 9404 of 2024

9404 of 2024, I shall first dispose of W.P.(MD) No.9400 of 2024 filed by T.Chinnadurai, S/o.Thirugnana Sambantham Pillai ['A' Branch].

35. The petitioner in W.P.(MD) No.9400 of the 2024 [T.Chinnadurai, S/o.Thirugnana Sambantham Pillai ('A' Branch)] is seeking compensation for the loss caused to his father during the period between 15.05.2014 and 14.09.2014. However, much water has flowed since then. This prayer is contrary to the interim arrangement agreed upon between parties in the year 2016. The interim arrangement has also received the seal of approval partly in the order of the learned Single Judge in W.P.(MD) No.12740 of 2021 and in the order of the Hon'ble Division Bench of this Court dated 11.07.2022 passed in W.A.(MD) Nos. 10, 28 & 76 of 2022.

36. Therefore, there is no scope for entertaining the prayer of the petitioner in W.P.(MD) No.9400 of 2024, T.Chinnadurai, S/o.Thirugnana Sambantham Pillai. Thus, W.P.(MD) No.9400 of 2024 is liable to be dismissed. That apart, during 2022 also, the petitioner in W.P.(MD) No. 9400 of 2024 [T.Chinnadurai, S/o.Thirugnana Sambantham Pillai ('A' Branch)] had the benefit of conducting the temple festival during peak



W.P.(MD) Nos.9400 & 9404 of 2024

season for the temple during the Tamil Calender Month starting from Vaikasi (வைகாசி) and ending with Aavani (ஆவணி) in 2024 [15th May - 14th September]. Therefore, the petitioner in W.P.(MD) No.9400 of 2024 namely T.Chinnadurai, S/o.Thirugnana Sambantham Pillai ['A' Branch] cannot as for repetition once again this year. Therefore, W.P.(MD) No. 9400 of 2024 is liable to be dismissed.

37. As far as W.P.(MD) No.9404 of 2024 is concerned, as mentioned above, there is a long pending dispute between descendants of Deivathadiya Pillai (Senior) through his sons namely, Muthukaruppan Pillai and Vaikunda Ramasamy Pillai. The issue is pending before the Hon'ble Supreme Court.

38. Since the temple festival has to go on, an interim arrangement was agreed upon before the Executive Magistrate cum Tahsildar on 13.01.2016, content of which has been extracted above, between the three brothers and their descendants through Muthukaruppan Pillai and Ganesan, the adopted son of Vaikunda Ramasamy Pillai and his wife Gandhimathiammal.



W.P.(MD) Nos.9400 & 9404 of 2024

39. There was a deviation in the arrangement by Muthukaruppan Pillai @ Velayutham, the eldest son of Deivathadiya Pillai (Junior) ['B' Branch]. This was during the period when the temples were under the lock down due to the Covid-19 Pandemic.

40. Court is taking judicial cognizance of the fact that in 2020, w.e.f. 24.03.2020, the above interim arrangement as per the Executive Magistrate cum Tahsildar's order dated 13.01.2016 could not be followed in the sequence of 'CAB' due to the out break of Covid-19 Pandemic. W.e.f. 24.03.2020, restrictions were in place due to Notifications issued under the Disaster Management Act, 2005. The temple as also other public places were inaccessible. Worship in the temple in 2020 also would have been completely suspended for the whole of the year after 24.03.2020.

41. There were large scale disruptions and frustrations. The interim arrangement of the Executive Magistrate cum Tahsildar dated 13.01.2016 stood suspended during the period starting from 24.03.2020 till the end of 2021. In the legal parlance, the frustration is equaled with 'Act of God'. There would have been completely washed, frustrating the interim



W.P.(MD) Nos.9400 & 9404 of 2024

arrangements agreed upon between the parties before the Executive

Magistrate cum Tashildar on 13.01.2016.

42. In fact, the other Wing of Deivathadiya Pillai (Senior) namely, Ganesan, the adopted son of Vaikundaramasamy Pillai and his wife Gandhimathiammal, whose turn fell for the period starting from 15th January, 2021 to 14th January, 2022 would have also been denied the rights to manage the affairs of the temple during the aforementioned period due to the lock down imposed by the Government on account of outbreak of Covid-19 which was partially restored by the order dated 15.12.2021 in W.P.(MD) No.12740 of 2021.

43. The petitioners in W.P.(MD) No.9404 of 2024 namely, Deivathadiyan @ Manikandan and Muthukaruppan, sons of Meenakshi Sundaram Pillai ['C' Branch], on the other hand, had benefited during the first two months of 2020 till 24.03.2020. The petitioners in W.P.(MD) No. 9404 of 2024 would have lost 52 days out of 120 days in 2020. The same petitioners also had benefit to manage the temple during the last four months during 2022 till 14.01.2023. It is the eldest son of Deivathadiya Pillai (Junior) namely, Muthukaruppan Pillai @ Vellayutham who



W.P.(MD) Nos.9400 & 9404 of 2024

usurped the position of Ganesan, S/o.Vaikunda Ramasamy Pillai. Rights of Ganesan, S/o.Vaikunda Ramasamy Pillai was restored vide order dated 15.12.2021 in W.P.(MD) No.12740 of 2021.

44.The eldest son of Deivathadiya Pillai (Jr.) i.e., Muthukaruppan Pillai @ Velayutham usurped the turn during the first four months in 2021 which should have actually gone to said Ganesh, S/o. Vaikundaramasamy Pillai perhaps on account of the disruption due to the closure of the temples during December 2020, to the exclusion of his brothers.

45. It is in this background, Ganesan who was otherwise entitled to right during odd years stating from 15th January to 14th January in the ensuing year challenged the notice dated 07.07.2021 of the Tahsildar, Eral Taluk bearing reference No.Aa2/847/2019 issued pursuant to the representation given by the eldest son of Deivathadiya Pillai (junior) namely, Muthukaruppan Pillai @ Velayutham, in W.P.(MD) No.12740 of 2021. The aforesaid notice was merely issued to the Ganesan, the adopted son of Vaikundaramasamy Pillai. It was in the background the said Writ Petition was disposed of on 15.12.2021 with the following observations:-



W.P.(MD) Nos.9400 & 9404 of 2024

“10.Let me not escalate the issue any further, but interfere with the order of the first respondent and permit the petitioner herein to continue to perform pooja in the manner the poojas have to be performed in that particular temple and collect emoluments from the poojas. This arrangement should continue till 14.01.2022. Thereafter, in the manner and the procedure which is adopted, the rights may be handed over to the second respondent/Vellayutham @ Muthukaruppan Pillai, who may as hereditary trustee, either by himself or with anybody who is aligned with him continue to perform pooja and other activities with respect to the temple till 14.01.2023. Thereafter, once again the entire role would revert back to the petitioner and his group.

11.Let that arrangement continue in the aforesaid manner and if at all there is a law and order problem or any controversy between the two groups, which I hope would not arise, and I further hope that the petitioner and the second respondent would be mature enough to avoid, the first respondent/The Tahsildar must enter into the fray and ensure that peace runs insofar as worship in the temple is concerned. But let such interference be only in exceptional circumstances and not as a rule.

12.With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is also closed.”

46. Thus, the said Ganesan was permitted to continue to perform pooja in the manner till 14.01.2022 and thereafter, in the manner and the procedure which is adopted, the rights has to be handed over to the eldest



W.P.(MD) Nos.9400 & 9404 of 2024

son of Deivathadiya Pillai (junior) namely, Muthukaruppan Pillai @ Velayutham. Thus, the Court has rightly restored the position as far as Ganesan, the adopted son of Vaikundaramasamy Pillai and his wife Gandhimathi Ammal.

47. However, instead of following the sequence 'ABC' in 2022, the Court in its order dated 15.12.2021 in W.P.(MD) No.12740 of 2021 directed the rights to be handed over to the eldest son of Deivathadiya Pillai (Junior) namely, Muthukaruppan Pillai @ Velayutham from 15.01.2022. Thus, W.A.(MD) Nos.10, 28 & 76 of 2022 came to be filed before the Hon'ble Division Bench of this Court by following persons:-

Branch	W.A. (MD) No	Name of Appellant	W.P.(MD) No.	Name of the Petitioner
'A' Branch	10/2022	M.Thirugnanasambandam Pillai	9400/2024	T.Chinnadurai, S/o.Thiruganansambandam Pillai
'C' Branch	28/2022	M.Deivathadiyan @ Manikandan	9404/2024	1.M.Deivathadiyan @ Manikandan 2.Muthukaruppan
'B' Branch *	76/2022	1.Rajendran 2.Sudalaimuthu @ Durai 3.Vaikunda Ramasamy Pillai @ Kumar	-	-
* Other son of Deivathadiya Pillai (Junior) R5 to R7 in W.P.(MD) No.9400/24 & R4 to R6 in W.P.(MD) No.9404/24				



W.P.(MD) Nos.9400 & 9404 of 2024

WEB COPY 48. It is under these circumstances, the Hon'ble Division Bench of this Court had passed its order on 11.07.2022, content of which has been extracted above. By the said order, the rights of the parties was balanced.

49. Thus, on the date of aforesaid order dated 11.07.2022, it was agreed that Thirugnanasambantham Pillai, i.e. 'A' Branch now represented by his son T.Chinnadurai, the petitioner in W.P.(MD) No.9400 of 2024 shall perform the rights till the end of 'Avani' [ஆவணி] i.e., during the second fourth months starting from 15th May, 2022 and ending with 14th September, 2022 and thereafter, the said Thirugnanasambantham Pillai was to hand over the keys to the petitioners in W.P.(MD) No.9404 of 2024 [Deivathaiyan @ Manikandan and Muthurkaruppan, S/o.Meenakshi Sundaram Pillai (Branch)].

50. Thus, the petitioners in W.P.(MD) No.9404 of 2024 have not lost a single turn as compared to others. Due to the disruptions on account of outbreak of Covid-19 Pandemic, both the 'A' Branch [the petitioners in W.P.(MD) No.9404 of 2024] and 'B' Branch lost their rights during 2020. In 2022, there was a wrong usurpation of the rights of 'A'



W.P.(MD) Nos.9400 & 9404 of 2024

Branch namely, T.Chinnadurai, S/o.Thirugnanasambantham Pillai, by the eldest son of Deivathadiya Pillai (Junior) namely, Muthukaruppan Pillai @ Velayutham. This was set right by the Hon'ble Division Bench in the above-mentioned order dated 11.07.2022 in W.A.(MD) No.10, 28 & 76 of 2022.

51. Thus, the petitioners in W.P.(MD) No.9404 of 2024 have not lost the turn. Due to the disruptions on account of outbreak of Covid-19 Pandemic, both the 'A' Branch and 'B' Branch have lost their rights during 2020. In 2022, there was a wrong usurpation by the eldest son of Deivathadiya Pillai (Junior) namely, Muthukaruppan Pillai @ Velayutham by usurping the rights of 'A' Branch namely, T.Chinnadurai, S/o.Thirugnanasambantham Pillai. This was adjusted by the Hon'ble Division Bench in the above order dated 11.07.2022 in W.A.(MD) No.10, 28 & 76 of 2022.

52. The turn to conduct the temple festival during the second spell i.e., 15th May to 14th September [வைகாசி - ஆவணி] which also comes once in 6 months should go to the 'B' Branch, sons of Deivathadiya Pillai (Junior).



W.P.(MD) Nos.9400 & 9404 of 2024

WEB COPY 53. The fact remains that 'A' Branch did not get the chance in 2020.

However, 'A' Branch got the chance in 2022 during 'Avani' [ஆவணி] i.e., during the second fourth months starting from 15th May, 2022 and ending with 14th September, 2022. Therefore, the next turn during this season would come to 'B' Branch and thereafter to 'C' Branch. Thus, the petitioners in W.P.(MD) No.9404 of 2024 can be given rights during 2026. The current season rightly stands vested with legal heirs/sons of Deivathadiya Pillai (Junior) namely, Muthukaruppan Pillai @ Velayutham, Rajendran, Sudalaimuthu @ Durai and Vaikundaramasamy @ Kumar.

54. Therefore, W.P.(MD) No.9404 of 2024 is liable to be dismissed as the rights of the parties have been recognized by the second respondent namely Revenue Tahsildar cum Executive Magistrate, Eral, Eral Taluk, Thoothukudi District vide impugned order dated 13.01.2024 bearing reference No.Na.Ka.Aa2/42/2020.

55. It is however open for the four brothers i.e., sons of Deivathadiya Pillai (Junior) to work out their inter-se rights between them



W.P.(MD) Nos.9400 & 9404 of 2024

as was ordered by the Hon'ble Division Bench of this Court vide order dated 11.07.2022 in W.A.(MD) Nos.10, 28 & 76 of 2022.

56. However, liberty is given to the petitioners in W.P.(MD) No. 9404 of 2024 to pursue the remedy independently before the Division Bench of this Court in Cont.P.(MD) No.833 of 2024, which was filed for non-compliance of the order dated 11.07.2022 in W.A.(MD) Nos.10, 28 & 76 of 2022.

57. In the result, both these Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

09.07.2024

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Index: Yes / No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

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Copy To:

1.The District Collector,



W.P.(MD) Nos.9400 & 9404 of 2024

Collectorate,
Tuticorin District.

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- 2.The Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.
- 3.The Tahsildar,
Eral Taluk, Tuticorin District.
- 4.The Revenue Tahsildar cum Executive Magistrate,
Eral, Eral Taluk,
Thoothukudi District.
- 5.Mr.R.Gopalakrishnan,
ISRO Land Acquisition Tahsildar,
Tiruchendur,
Thoothukudi District.



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W.P.(MD) Nos.9400 & 9404 of 2024

C.SARAVANAN, J.

JEN

Pre-Delivery order Common made in

W.P.(MD) Nos.9400 & 9404 of 2024

and

W.M.P.(MD) Nos.8545 & 8546 of 2024

09.07.2024

(2/2)