



WP CRL.(MD). No.784 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

WP CRL.(MD). Nos.784 and 829 of 2026

WP CRL.(MD). No.784 of 2026:

A.Mariappan

... Petitioner

Vs

1. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2. State of Tamilnadu Rep by,
The Inspector of Police,
Pettai Police Station,
Pettai,Tirunelveli City.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to give permission for carrying all maintenance civil works and protection for Shivarathiri Poojas at Arulmigu Kombu Madasamy Temple, situated at Pettai, Tirunelveli city that scheduled to be held on 15.02.2026 and 16.02.2026 based on the petitioner's representation dated 23.01.2026.



WP CRL.(MD). No.784 of 2026

For Petitioner : Aayiram K.Selvakumar,
Advocate.

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl.Side)

WEB COPY

WP CRL.(MD). No. 829 of 2026:

Kannan

... Petitioner

Vs

1. The Assistant Commissioner of Police,
Assistant Commissioner of Police Office Western
Region,
Tirunelveli District - 627 006.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Palayamkottai,
Tirunelveli District- 627 002.

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Palayamkottai,
Tirunelveli District-627 002.

4. State of Tamilnadu Rep by,
The Inspector of Police,
Pettai Police Station,
Pettai, Tirunelveli District.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the
Constitution of India, to issue a Writ of Mandamus,
to direct the respondent No.1 and 4 to give
permission and protection for conducting Maha
Shivratri Kodai Veela Poojas at Arulmigu Kombu
Madasamy Temple, situated at Pettai, Tirunelveli



WP CRL.(MD). No.784 of 2026

City, which are scheduled to be held on 15.02.2026 and 16.02.2026 based on the petitioner's representation dated 11.02.2026.

For Petitioner : S.Kasirajan,
Advocate.

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl.Side)

COMMON ORDER

Since the issue involved in these two writ petitions are related to the same temple, these writ petitions are taken up together and disposed of by way of common order.

One Mariappan has filed the writ petition in W.P.Crl(MD)No.784 of 2026 with a prayer to direct the second respondent to give permission for carrying all maintenance civil works and protection for Shivarathiri Poojas at Arulmigu Kombu Madasamy Temple, situated at Pettai, Tirunelveli city that scheduled to be held on 15.02.2026 and 16.02.2026 based on the petitioner's representation dated 23.01.2026.



WP CRL.(MD). No.784 of 2026

2. The rival claimants is one Kannan who has filed W.P.Crl.(MD)No.829 of 2026 with a prayer to directrespondent No.1 and 4 to give permission and protection for conducting Maha Shivratri Kodai Veela Poojas at Arulmigu Kombu Madasamy Temple, situated at Pettai, Tirunelveli City, which are scheduled to be held on 15.02.2026 and 16.02.2026 based on the petitioner's representation dated 11.02.2026.

3. Admittedly there are several dispute and several writ petitions were filed by the rival parties with regard to the subject temple. One of the writ petition in W.P.(MD)No.31502 of 2025, vide order dated 18.11.2025, this Court has passed an order; the relevant portion of the order is extracted as under:

"3. This is strongly contested by the private respondents. Admittedly, the petitioner has not been recognized as trustee. He is also not the poojari of the temple. In these circumstances, it is only the trustee who is in charge of the temple, can take a decision. It is submitted that one Thiagarajan had already filed O.A before the Joint



WP CRL.(MD). No.784 of 2026

Commissioner, HR & CE Department, Palayamkottai, Tirunelveli, seeking trial of the administration. The second respondent is directed to dispose of OA within six months. The petitioner can also be examined as witness in the said OA. Independently, the petitioner is also given permission to file O.A under Section 63(e) of the HR & CE Act for establishing any of his rights such as performing pooja. If any such OA is filed, it shall be numbered immediately and it will be disposed of within six months after putting all the interested persons on notice. The writ petition is disposed of accordingly. No costs."

4. The writ petitioner Mariappan's claim is that he is conducting pooja regularly, but the other writ petitioner namely, Kannan's allegation is whenever Kannan and his family members visiting the temple, the said Mariappan is not allowing them in the temple deliberately and not showing Theeparathanai and locking the temple. But Mariappan refuted the same and submitted that it is only an allegation made by



WP CRL.(MD). No.784 of 2026

Kannan. The same is recorded. If Mariappan is doing such things, the same is condemnable.

5. Both the parties are claiming worshipping rights. The same is permitted. As far as conducting pooja, already this Court directed Kannan to agitate his right before appropriate authority by filing IA. Accordingly, IA is filed in I.A....of 2025 in O.A.No. 1 of 2020. As on date, the said IA was not allowed and he has not been impleaded in the adjudication pending in O.A.No.1 of 2020. Therefore, the poojariship rights cannot be conferred to Kannan.

6. Accordingly, the writ petitioner Mariappan is directed to do poojai and rituals for this year. In case, if any forum is adjudicating and rights of poojariship is determined, the parties shall adhere the same. The writ petitioner Kannan is claiming a third party may be appointed as Poojari. Already there is a dispute pending before the Civil Court in this regard. In such circumstances, third party cannot be allowed. If it is allowed, it will create



WP CRL.(MD). No.784 of 2026

another round of litigation. The said submission is rejected.

7. With these observations and directions, these Writ Petitions are disposed of. No Costs.

12.02.2026

PJL

Note: Issue order copy on 13.12.2026.

TO

1. The Commissioner of Police,
Tirunelveli City, Tirunelveli.

2. The Assistant Commissioner of Police,
Assistant Commissioner of Police Office Western
Region, Tirunelveli District - 627 006.

3. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Palayamkottai,
Tirunelveli District- 627 002.

4. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Palayamkottai,
Tirunelveli District-627 002.

5. The Inspector of Police,
Pettai Police Station, Pettai, Tirunelveli City.



WEB COPY



WP CRL.(MD). No.784 of 2026

S.SRIMATHY, J

PJL

ORDER
IN
WP CRL. (MD) . Nos.784 and 829 of 2026

Date : 12/02/2026