



W.P.CRL.(MD)No.690 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.CRL.(MD)No.690 of 2025
WMP.CRL(MD).No.194 of 2025

T.Prakash

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Usilampatti Taluk,
Madurai District.
2. The Tahsildar,
Usilampatti Taluk,
Madurai District.
3. The Inspector of Police,
Uthapanaickkanur Police Station,
Usilampatti Taluk,
Madurai District.
4. A.Kasi Maayan
5. R.Ramesh

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the official respondents to facilitate the peaceful completion of the occasion of PETTI POOJAI @ PETTI VEEDU, AYYNARKULAM VILLAGE to be performed by the petitioner on 31.07.2025 and on all occasions, in the presence of the entire villagers and public and the fourth respondent as guest in the light of the petitioner's representation dated 17.07.2025.

For Petitioner	: Mr.N.Dilipkumar
For R1 and R2	: Mr.P.Thambidurai Government Advocate
For R3	: Mr.A.S.Abul Kalaam Azad Government Advocate (Crl.Side)
For R4	: Mr. C.Jeganathan
For R5	: Mr.S.Sugumar For M/s.APN Law Associates

ORDER

This petition has been filed seeking to direct the official respondents to facilitate the peaceful completion of the occasion of PETTI POOJAI @ PETTI VEEDU, AYYNARKULAM VILLAGE to be performed by the petitioner on 31.07.2025 and on all occasions, in the presence of the entire villagers and public



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and the fourth respondent as guest in the light of the petitioner's representation dated 17.07.2025.

2(i) The brief facts as stated in the affidavit is that the petitioner belongs Ayyanarkulam Village, Usilampatti Taluk and also belong to Piramalai Kallar Community and majority of the people hails from Dindigul, Madurai and Theni Districts. During the regime of king Thirumalai Naickar, the king had created a Rajadhani with eight Naadu (நாடு) viz., Thidiyen (திடியேன்), Vaalandhur (வாளாந்துார) Puthur, (புத்துார) Karumathur (கருமத்துார) Paappapatti (பாப்பாபட்டி) Kokkulam (கொக்குளம்) Veppanoothu வேப்பனூத்து Thumakkundu (துமக்குண்டு) and 24 Ubagramams (உபகிராமம்) and 64 Palayampatttu (பாளையம்பட்டு) Parappunaadu (பரப்புநாடு). Each one of these divisions and subdivisions has its own family deities, village temples, custom and usage. It is a usual and regular practice adopted for centuries to have a representative called as 'Periya Thevar' for each one of these divisions and subdivisions and the reason is that it is not feasible to convene a meeting for the whole clan, hence it is common



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to have the meeting among the representatives. Also, it is common for these representatives, to be received and given respects on festive occasions and worship. It is pertinent to state that the respects received by the “Periya Thevar” is not for the individual but as a representative of his division / sub-division. The centuries-old honoured practice had stood the test of time.

2.(ii) The native of Ayyanarkulam village are the descendants of Ulagayee Ammal, which has three major sub-clans in the village i.e.,

- i. Vellaiyathevar Vagaiyara
- ii. Karithevar Vagaiyara
- iii. Vendhathevar Vagaiyara

Among them, by way of rotation, one individual is elected as the representative of the village (Periya Thevar). The individual elected as “Periya Thevar” as representative of their clan will hold the position for their life. One Manithevar was the Periya Thevar of Ayyanarkulam village from 1980 who died in a road accident on 12.06.2024. After his demise, another person ought to be chosen based on rotation. The petitioner hail from the Vendhathevar Vagaiyara and the



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rotation comes to our choice for the Periya Thevar position. It has been the practice in vogue to select one individual from among the willing persons of a particular sub-clan as a representative “Periya Thevar” by common choice. Accordingly, on the demise of Mani Thevar on 12.06.2024, to fill up the vacancy the 1st meeting was held on 29.07.2024 before the family deity Arulmigu Kadasari Nallakurumban temple, inviting willing persons to express their desire in 15 days. In the next meeting held on 12.08.2024 and three individuals, viz, Prakash (petitioner), Ramesh (5th respondent) and Arun Kumar (all belonging to Vendhathevar Vagaiyar) expressed their willingness. Choice was given to the three individuals to arrive at consensus among them, but consensus could not be arrived. Hence, in the meeting held on 26.08.2024, by a majority decision, the petitioner was chosen as representative and he was given the said position in the temple with the customary Pooja on 09.09.2024. The 4th respondent representing Periya Thevar of Ettu-Rendu Pathuthevar of Pappapattti Vagaiyara who are the Thaimaman / Maternal Uncle Vagaiyara for the petitioner’s group, hence it is the practice for the elected Periya Thevar of Ayyanarkulam Village to be recognized by the 4th respondent Vagaiyara. The 5th respondent, having lost in a majority decision, refused to accept the selection of the petitioner, hence there was a Peace



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Committee Meeting held on 23.09.2024 in the 2nd respondent's office. Since consensus could not be achieved, the 2nd respondent referred it to the 1st respondent, wherein another Peace Committee Meeting was conducted on 25.11.2024 by the 1st respondent and it was resolved to seek the majority decision among the public of Periya Thevar Vagaiyara. But the 5th respondent did not cooperate, as he was aware of the lack of any support in his favour among the Periya Thevar Vagaiyara.

2(iii) Hence the petitioner had filed W.P.(MD)No.27618 of 2024 for writ of Mandamus directing the officials to conduct the election for the representative of the Thevar to represent the Periya Thevar Vagaiyaras of Ayyanarkumlam village Usilampatti Taluk, Madurai District as per the proceedings of the Revenue Divisional Officer in Na.Ka.No.4052/2024/2024/A1 dated 05.11.2024. The 5th respondent had filed counter in the said writ wherein he had admitted the election of the petitioner as the Periya Thevar Vaigaiyara, but disputed the correctness of the election and demanded franchise for Chinna Thevar Vagaiyara also. It is pertinent to state that there is a “Chinna Thevar Vagaiyara” in the village but they



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do not have any involvement in the selection of the Periya Thevar. Pending writ petition the 4th respondent had recognized the petitioner and provided the customary respects of Periya Thevar of Ayyanarkulam Village to the petitioner, hence the petitioner withdrew the writ petition on 03.04.2025.

2.(iv). In such circumstances, the 3rd respondent issued summons on 09.04.2025 to the 4th respondent directly to temporarily delay the function, but the 4th respondent on 10.04.2025 submitted a detailed response stating that the petitioner had assumed the position of Periya Thevar of Ayyanarkulam Village and provided the rituals to the petitioner as scheduled on 11.04.2025 and the petitioner is functioning as the Periya Thevar of Ayyanarkulam Village. Therefore, the petitioner is entitled to take the pooja articles for the Arulmigu Kadasari Nallakurumban temple which are maintained at the Petti Veedu near Ayyanarkulam Village Mandhai, which is an annual practice for the representative (Periya Thevar) to visit the Petti Veedu in the mid of Tamil months of Aadi, Karthigai, Thai and Maasi and also on the eve of Sivarathiri to visit the Petti Veedu and to clean and maintain the pooja articles and offer worship. The



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villagers will also participate. The 4th respondents as the Thaimaman Vagaiyara had received the petitioner as guest and offered respects. When the function was scheduled for the year on 31.7.2025, the 5th respondent alone was objecting and attempting to create a ruckus. Hence the petitioner had given detailed representation on 17.7.2025 to the official respondents to facilitate the peaceful completion of Petti Veedu Poojai on 31.07.2025. When the same was not acted upon, the present writ petition was filed with the above prayer.

3. The Learned Counsel appearing for the 5th respondent submitted that already the petitioner had filed a writ petition in W.P.(MD)No.27618 of 2024 and the 5th respondent herein was arrayed as 4th respondent in the said writ petition. The 5th respondent had filed a counter in the above stated writ petition, wherein it is stated that the petitioner has not conducted the selection meeting properly, hence he cannot to represent the Vendathevar representative. Further stated in the counter a peace committee meeting was conducted by the 1st respondent and a settlement was arrived on 05.11.2024, wherein the 1st respondent vide order Na.Ka.No.4052/ 2024/A1 directed an election be conducted in the presence of the



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3rd respondent to determine which candidate has the majority support for Periya Thevar representative. Further stated that the 1st respondent erred by limiting the election to Periya Thevar group by excluding the Chinna Thevar group. According to custom, both groups must participate while electing the Periya Thevar representative. The present population of Ayyankulam village, comprising 250 Periya Thevar and 1700 Chinna Thevar individuals and they should collectively select the Periya Thevar representative. Failing to do so may lead to strained relations between the groups and potentially causing division among the village people. Hence, the 5th respondent prayed to dismiss the writ petition.

4. Heard Mr.N.Dilipkumar, the learned Counsel appearing for the petitioner, Mr.P.Thambidurai, the learned Government Advocate appearing for the respondents 1 and 2, Mr.A.S.Abul Kalaam Azad, the learned Government Advocate (Crl.Side) appearing for the 3rd respondent Mr. C.Jeganathan, the learned Counsel appearing for the 4th respondent and Mr.S.Sugumar, for M/s.APN Law Associates appearing for the 5th respondent and perused the records.



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5. This Court is recording the fact that the people are divided into groups in order to have effective administration, which is appreciable.

6. The contention of the petitioner is that there are two distinct groups, namely the *Periya Thevar Vagaiyara* and the *Chinna Thevar Vagaiyara*. The 4th respondent belongs to the Periya Thevar Vagaiyara group. It is further submitted that the Periya Thevar is elected and selected exclusively from among the members of the Periya Thevar group, who choose one person and confer upon him the Periya Thevar title along with *Parivattam*. Likewise, the Chinna Thevar group selects one person from among themselves and confers the Chinna Thevar title. It is further contended that the Chinna Thevar group does not vote for the selection of the Periya Thevar. Similarly, the Periya Thevar group does not vote for the selection of the Chinna Thevar group. However, the 5th respondent is now seeking to include the Chinna Thevar group in the voting process for the Periya Thevar, claiming that such a practice has been prevailing. The said submission has been vehemently opposed by the petitioner and 4th respondent, who contends that the Chinna Thevar group should not be permitted to vote. It is further



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submitted that the 5th respondent has filed a suit in O.S. No.100 of 2025, which is presently pending before the District Munsif Court, Usilampatti.

7. This Court is of the considered opinion that the 5th respondent had not submitted any evidence to prove that the Chinna Thevar Group would vote while selecting the Periya Thevar Group. Even while filing the counter in W.P.(MD)No. 27618 of 2024 the 5th respondent has raised the same plea but has not submitted any evidence to prove the same. The paras 8, 9, 10 and 11 of the counter are extracted hereunder:

"8.I respectfully states that although the members of Periyathevar Vagayara families elected the petitioner as Mr.Mani Thevar's successor, this election was not conducted according to our custom. Typically, both Periyathevar and Chinnathevar groups discuss and jointly select one member as Periyathevar representative.

9. I respectfully state that currently, the fourth respondent has the majority support among the Chinnathevar group. The petitioner have not conducted the meeting properly, and yet he claim him as their Vendathevar representative. A Peace Committee



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meeting, conducted by the first respondent, resulted in a settlement in November 5, 2024. The first respondent's vide is order (Na.Ka.No.4052/2024/A1) directed an election in the presence of the third respondent to determine which candidate has the majority support of the Periyathevar Vagaiaras family.

10. I respectfully state that my contention is that the first respondent erred by limiting the election to the Periyathevar group, excluding the Chinnathevar group. According to custom, both groups must participate in electing the Periya Thevar representative. The entire population of Ayyanarkulam Village, comprising 250 Periyathevar and 1700 Chinnathevar individuals, should collectively select the Periyathevar representative. Failing to do so may lead to strained relations between the two groups, potentially causing division among the village people.

11. I respectfully stated that the customary practice involves both Thevar groups gathering, accompanied by 21 Kodangi and 3 Poosari. Collectively, they select one representative for the Periyathevar, confer the pattam upon the chosen individual, and offer food to all attendees. However, in the case of the writ petitioner, these traditional procedures were not followed.

When the 5th respondent has not submitted any such evidence, then the claim of



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the 5th respondent claiming cross voting is rejected.

8. In the aforesaid counter the specific contention of the 5th respondent is that he has support from the Chinna Thevar group. Hence it is evident that the 5th respondent has no support from the Periya Thevar Group. The 5th respondent with the support of the Chinna Thevar Group wanted to usurp the rights of the Periya Thevar Group. Therefore, this Court is of the considered opinion the 5th respondent claim to cross voter cannot be permitted.

9. Further the 5th respondent has not filed the present writ petition and he cannot seek any order in other person's / petitioner's writ petition.

10. Even the claim of the 5th respondent is accepted for the sake of the argument, it is the Chinna Thevar Group who ought to be aggrieved party. The said Chinna Thevar group has not approached any Court claiming such right. Further the issue relating to voting rights between the Periya Thevar Vagaiyar and the Chinna Thevar Vagaiyar and cross voting by both the groups has not been



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claimed by the both the groups, it is only the 5th respondent is claiming for his personal gain. In such circumstances, the Chinna Thevar group cannot be permitted to vote in the Periya Thevar group, such permission if granted would lead to several complications and disputes.

11. Therefore, the claim of the 5th respondent is rejected. The petitioner is selected by the Periya Thevar Group as per their practice and he is entitled to hold the post.

12. As far as Maha Shivarathri festival and any other festival is concerned, the earlier established practice shall be followed. Since the petitioner's right has already been conferred after the election, the same shall be continued in accordance with the existing practice. Consequently, the official respondents are directed to provide permission and police protection for peaceful completion of the occasion of Petti Poojai @ Petti Veedu of Aynarkulam Village to be performed by the petitioner in the coming years and on all occasions, in the presence of the entire villagers and public and the fourth respondent as guest. The parties shall abide by the outcome of the judgment in the pending suit.



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13. It is pertinent to record that in animal kingdom the animals live in groups, when the threshold limit of 50 crosses, then the group would split into two groups. Likewise, the human being, who is part of animal kingdom, also lives in groups and for the effective management of the groups the threshold limit is 150 to 200 members. When the threshold limit crosses then there would be natural split. This has been elaborately discussed in several research papers. Therefore, the Periya Thevar group and Chinna Thevar group were divided for effective administration of the groups of people and there is no illegality in having two groups.

14. With these observations, this Writ Petition (Criminal) is allowed. Consequently, connected miscellaneous petition is closed.

06.02.2026

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

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To

1. The Revenue Divisional Officer,
Usilampatti Taluk,
Madurai District.
2. The Tahsildar,
Usilampatti Taluk,
Madurai District.
3. The Inspector of Police,
Uthapanaickkanur Police Station,
Usilampatti Taluk,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai



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S.SRIMATHY, J

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**Order made in
W.P.CRL.(MD)No.690 of 2025
WMP.CRL(MD).No.194 of 2025**

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