

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.8945 OF 2015

K.Arumugam

.. Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Vazhuthavoor Main Road,
Taram, Puducherry 605 013.
2. The Tahsildar,
Villianoor Commune,
Villianoor, Puducherry.
3. The Special Officer,
Hindu Religious and Charitable Endowment,
Arulmighu Sri Throwpathiamman Koil,
Villianoor, Puducherry.
4. The Inspector of Police,
Villianoor Police Station,
Villianoor, Puducherry.
5. The Sub Inspector of Police,
Mangalam Police Station,
Mangalam, Villianoor,
Puducherry.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents 4 and 5 to give protection to the petitioner to carry out "Fire pot carrying", "Walking on the fire", "Padukalam" at Arulmighu Sri Throwpathi Amman Koil Situate at Uruvaiyar Commune, Villianoor, Puducherry, on 31.03.2015.

* * *

For Petitioner : Mr.M.Pari

For Respondents: Mr.A.Tamilvanan
Govt. Advocate (Puducherry)

O R D E R

Heard Mr.M.Pari, learned counsel appearing for the petitioner and Mr.A.Tamilvanan, learned Government Advocate (Puducherry) appearing for the respondents.

2. The petitioner seek for a direction upon the respondents 4 and 5 to give protection to the petitioner to carry out "Fire pot carrying", "Walking on the fire" and "Padukalam" at Arulmighu Sri Throwpathi Amman Koil, on 31.03.2015.

3. According to the petitioner, his brother one Ayyanar is not entitled to conduct the festival and to carry out "Fire pot carrying", "Walking on the fire" and "Padukalam" in the said temple for this year on account of the demise, which occurred in his family. Therefore, the petitioner requested the authorities may convene a peace committee meeting and decide the matter for bringing out an amicable solution.

4. In order to ascertain the factual position, this Court directed the learned Government Advocate (Puducherry) to get instructions and posted this matter today.

5. Today, the learned Government Advocate (Puducherry) has produced the written instructions of the Deputy Collector (Revenue), South, Government of Puducherry, wherein it has been stated that the petitioner's brother has been carrying on the said religious activities from 1985 onwards. By the report dated 11.03.2015, the Deputy Collector (Revenue), South, Government of Puducherry, has reported as follows :

"Even after a long discussion there is no amicable solution between the petitioners and the counter petitioners. The Villagers representing both sides supported each other case but cautioned that there are similar rituals being performed by other families of the village in the same festival and if any change is made in this case, it will have cascading effect for similar claim for change from other families which will deteriorate the situation. They also added that since a Civil Suit in the court of II Additional District Munsif of Puducherry vide O.S.No.522/2015 was already instituted by the petitioner for the change of rights, till it is decided, the existing practice may be continued. As no available solution was arrived at both sides were strictly warned to maintain peace without any law and order issues and to await the verdict of Court and till then to follow the existing practice."

6. Thus, it is seen that the solution could not be arrived at in the matter and it is seen that the petitioner had already filed a suit in O.S.No.522 of 2015 for change of rights and it is stated

that the said suit is posted for hearing today and the Hindu Religious and charitable Endowment has also filed a counter-affidavit in I.A.No.93 of 2015. Hence, it is open to the petitioner to await the orders to be passed by the civil court or else it is open to him to submit a representation to the District Collector, Puducherry, and if such application is filed, it shall be considered in accordance with law.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

Dated:30.3.15

True Copy

Sub Assistant Registrar

To

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Villianoor, Puducherry.
5. The Sub Inspector of Police,
Mangalam Police Station,
Mangalam, Villianoor,
Puducherry.

+1 cc to Senior Government Pleader, Puducherry, SR.17814

+1 cc to Mr.M.Pari, Advocate, SR.17806.

ksj(co)
krd 30/3

ORDER IN
W.P.NO.8945 OF 2015