



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.08.2015

Coram

THE HONOURABLE MR.JUSTICE R.SUBBIAH

WEB COPY

W.P. (MD) .No.14813 of 2015
and
M.P. (MD) No.1 of 2015

M.Vasantha :Petitioner
vs.

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Madurai.

3.The Tahsildar,
Melur Taluk, Madurai District.

4.The Superintendent of Police,
Madurai District, Madurai.

5.The Inspector of Police,
Melur Police Station,
Melur, Madurai District.

6.Muthalagan

7.Vellayyan

8. Veeranan @ Ravi

9.Sivamurthy

10.Kasiraman

11.Muthalagan

12.Perumal

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the respondents 1 to 5 herein to take appropriate action to receive the "Thalakattu Vari" from the petitioner and further directing the respondents 6 to 12, to permit the petitioner to participate in the Kumbabhisekam Thiruvizha of Vellayan Perumal Vaigarakku Padhyamana Arulmigu Kalinjamalaiswamy Keemukathu Veeranaswamy Thirukovil Veedu", situated at Aritapatti, Melur, Madurai District, on 20.08.2015 and 21.08.2015.

For Petitioner

<https://hcservices.ecourts.gov.in/hcservices/>

:Mr.R.Maheswaran

For Mr.M.Palaniraja



For Respondents
(R1 to R5)

:Mr.M.Murugan
Govt.Advocate

For Respondents
(R6 to R12)

:Mr.N.R.Prabhu

WEB COPY

ORDER

The Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondents 1 to 5, to take appropriate action to receive the "Thalakattu Vari" from the petitioner and further directing the respondents 6 to 12, to permit the petitioner to participate in the Kumbabhisekam Thiruvizha of "Vellayan Perumal Vaigarakku Padhyamana Arulmigu Kalinjamalaiswamy Keemukathu Veeranaswamy Thirukovil Veedu", situated at Aritapatti, Melur, Madurai District, on 20.08.2015 and 21.08.2015.

2. Though so many contentions have been raised in the writ petition, the respondents 1 to 5, in their counter affidavit in para 7, have stated as follows:-

"7. The allegations stated in Para-6 that the respondents 6 to 12 refused to collect Thalakattu Vari from the petitioner and her daughter-in-law is a clear lie. As already submitted, the Respondents are conducting Kumbabishekam only in their private temple house and not in the old temple house. As such, the respondents 6 to 12 have not collected any funds from the outsiders. The allegations stated in para-7 and 8 are always open to the petitioner to worship in the old temple house, as like the respondents 6 to 12, who are the co-owners of the said old temple house. But, the newly constructed temple house is a private property exclusively belonged to the Respondents 6 to 12. As such there is no violation of Articles 25, 26, 27 of the Constitution of India, as alleged by the petitioner."

3. Further the respondents 6 to 12 submitted that they have given an undertaking to the Inspector of Police, Melur Police Station, Melur that they would not remove any articles from the old temple to new temple.

4. In view of the statement made in the counter affidavit and based on an undertaking given by the respondents 6 to 12, there is no need to give any specific direction. Hence, recording the service made in the counter affidavit as well as the submission made by the learned counsel for the respondents 6 to 12 that they



have given an undertaking to the Inspector of Police, Melur, the 5th respondent herein that they would not remove the articles from the old temple to the new temple, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Revenue Divisional Officer,
Madurai.
- 3.The Tahsildar,
Melur Taluk, Madurai District.
- 4.The Superintendent of Police,
Madurai District, Madurai.
- 5.The Inspector of Police,
Melur Police Station,
Melur, Madurai District.

+1cc to Mr.M.Palaniraja, Advocate Sr.No.48545

+1cc to Mr.N.R.Prabhu, Advocate Sr.No.47935

mpk

AA/09.09.2015/3p-8c

W.P. (MD) .No.14813 of 2015
20.08.2015