



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice R.MAHADEVAN
and
The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.5409 of 2016
IN
WA(MD) No.1309 of 2015

MR.SEENI NAICKER, ... PETITIONER/APPELLANT

Vs

1 THE KOVILPATTI BAJANAI MADAM TRUST,
REP. BY ITS PRESIDENT THIRU.KO.MUTHIAN OFFICE AT
VEERAPANDIKATTABOMMAN STREET,
KOVILPATTI, MALLANGINARU POST ARUPPUKKOTTAI TALUK,
VIRUDHUNAGAR DISTRICT.

2 THE DISTRICT COLLECTOR
VIRUDHUNAGAR DIST. VIRUDHUNAGAR.

3 THE REVENUE DIVISIONAL OFFICER
ARUPPUKKOTTAI SUB DIVISION, VIRUDHUNAGAR DISTRICT.

4 THE TAHSILDAR
KARIAPATTI TALUK, VIRUDHUNAGAR DISTRICT.

5 THE INSPECTOR OF POLICE
MALLANGINARU POLICE STATION, VIRUDHUNAGAR DISTRICT.

6 S.VAIYAPPAN
7 M.MUTHURAMALINGAM,
RESPONDENTS 6 & 7 FOR THEMSELVES AND AS REPRESENTATIVES OF
WORSHIPPERS OF 5 TEMPLES)

1.Sri Vinayagar Temple
2.Sri Kaliamma Temple
3.Sri Krishna Bajanai Madam
4.Sri Muthalamman Madam
5.Sri Pattatharasi Amman Koil
In the Village of Kovilpatti)

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein
and in the affidavit filed therewith the High Court will be pleased
to grant Interim Direction to the respondents to facilitate the
worship of the petitioner and his villagers with their contribution
towards the subject temples namely Sri Arul Migu Kalimman,
Kovilpatti Village, Mallankinaru, Virudhunagar Dist. during Vaikais



Festival 2016 to be held by the respondents 6 & 7 along with Kovilpatti Villagers, Mallankinaru, from 27.05.2016 to 03.06.2016 pending disposal of the this writ appeal

Prayer in WA(MD). 1309/ 2015 :

To prefer this memorandum of grounds of Writ Appeal as against the order dated 08.10.2015 made in WP.(MD).No.8362/2015.

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Prayer in WP(MD). 8362/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified mandamus to call for the records relating to the impugned order of the 2nd respondent in Na.Ka, A2/4211/2014 dated 14.05.2015 quash the same and consequently direct the respondent 1 to 4 to permit the petitioner to conduct Vaikasi Pongal Festival for the five temples in 1. Sri Vinayagar Temple, 2. Muthlamman Temple, 3. Sri Krishnar, 4. A/M. Kaliasman and 5. Pattathu Arasi Amman situated in Kovilpatti Village, Mallankinaru, Kovilpatti Taluk, Virudhunagar District, from 27.05.2015 to 31.05.2015 in accordance with customary practice and also not to allow the 5th respondent from creating any law and order problem in conducting temple festivals.

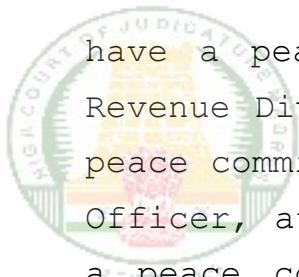
ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.Thirunavukarasu for M/S.S.BALAMURUGAN, Advocate for the petitioner and of Mr.Veerakathiravan, Advocate for R1 and of Mr.S.Kumar, Additional Government Pleader for R2 to R5, the court made the following order:-

[Order of the Court was made by R.MAHADEVAN, J.]

This petition has been filed seeking a direction to the respondents to facilitate the worship of the petitioner and his villagers with their contribution towards the subject temples, namely Sri Arul Migu Kaliasman, Kovilpatti Village, Mallankinaru, Virudhunagar District, during Vaikasi Festival 2016, to be held by the respondents 6 and 7 along with Kovilpatti Villagers, Mallankinaru, from 27.05.2016 to 03.06.2016 pending disposal of this Writ Appeal.

2. Heard both sides.

3. Considering the facts and circumstances of the case, this Court is not inclined to give any positive direction with regard to the participation of the petitioner and his villagers in the temple festival. At the same time, it is open to the parties concerned to



have a peace committee meeting, which is to be conducted by the Revenue Divisional Officer, if they choose to do so. In such event, peace committee meeting shall be conducted by the Revenue Divisional Officer, at an early date. If the parties are not willing to go for a peace committee meeting, it is open to them to go before the competent Civil Court to resolve their dispute.

4. This Civil Miscellaneous Petition is closed with the above observation.

sd/-
25/05/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE DISTRICT COLLECTOR
VIRUDHUNAGAR DISTRICT, VIRUDHUNAGAR.
- 2 THE REVENUE DIVISIONAL OFFICER
ARUPPUKKOTTAI SUB DIVISION, VIRUDHUNAGAR DISTRICT.
- 3 THE TAHSILDAR
KARIAPATTI TALUK, VIRUDHUNAGAR DISTRICT.
- 4 THE INSPECTOR OF POLICE
MALLANGINARU POLICE STATION, VIRUDHUNAGAR DISTRICT.

+1. C.C. to M/S.S.BALAMURUGAN Advocate SR.No.26939
+1cc to Mr.C.Jeganathan, Advocate SR.No.26847

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ORDER
IN
CMP (MD) No.5409 of 2016
IN
WA (MD) No.1309 of 2015
Date :25/05/2016