



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD) No.18528 of 2016

and

W.M.P. (MD) .Nos.13419 and 13420 of 2016

R.Chandrasekar

... Petitioner

vs.

1.The District Collector,
Trichirappalli,
Trichirappalli District.

2.The Tahsildar,
Marungapuri Taluk,
M.Kallupatti,
Trichirappalli District.

3.The Inspector of Police,
Thuvarankuruchi Police Station,
Marungapuri Taluk,
Trichirappalli District.

4.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Trichirappalli.

5.The Executive Officer,
Hindu Religious and Charitable Endowment,
Arulmigu Boothanayackiamman Thirukovil,
Thuvarankuruchi,
Marungapuri Taluk,
Trichirappalli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records from the 2nd respondent's impugned order dated 17.09.2016 and to quash the same as illegal and consequently directing to the 5th respondent to permit the petitioner to celebrate the Poocherithal festival scheduled to be conducted from 27.09.2016 to 06.10.2016 by following the customarily rights of the villagers at Arulmigu Sri Boothanachiamman temple, situated at Thuvarankuruchi, Marungapuri Taluk, Trichy District.



For Petitioner : Mr.S.Gopalamanikandan
For Respondents : Mr.K.P.Krishna Doss,
Government Advocate

O R D E R

The writ petition has been filed to quash the 2nd respondent's impugned order dated 17.09.2016 and consequently direct the 5th respondent to permit the petitioner to celebrate the Poocherithal festival scheduled to be conducted from 27.09.2016 to 06.10.2016 by following the customarily rights followed by the villagers at Arulmigu Sri Boothanachiamman temple, situated at Thuvarankuruchi, Marungapuri Taluk, Trichy District.

2.Mr.K.P.Krishna Doss, learned Government Advocate, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents.

4. The learned Government Advocate, on instructions, would submit that the writ petition in W.P.(MD)No.18491 of 2016, filed by the fifth respondent before this Court, for the same relief sought for in this petition, was dismissed on merits confirming the order passed by the 2nd respondent, dated 17.09.2016. The relevant paragraphs 8 to 12 of the order are extracted below:

"8.The said contention of the petitioner cannot be countenanced for the simple reason that the Tahsildar being the Executive Magistrate, whenever there is a law and order problem, the Tahsildar being the Executive Magistrate has power to conduct peace committee meeting to settle the dispute amicably between the parties. In the instant case also, there was a dispute between groups of peoples and one A.Kannusamy said to have filed a complaint before the Inspector of Police, Thuvarankurichy objecting the printing of invitation in favour of one Marungi Nattu Thalaivar.

9.In the above circumstances, anticipating the law and order problem a peace committee meeting was conducted by the Tahsildar in which all rival groups present apart from the Inspector of Police, Thuvarankurichy, the petitioner, Executive Officer of the Temple, and



Regional Deputy Tahsildar and Revenue Inspector and Village Administrative Officer were present. During the peace committee meeting, it was unanimously resolved that there is no objection for printing the name of the Marungi Nattau Thalaivar in the invitation and it was agreed in the meeting for a little change in respect of Muthal Mariyathai, it will be first given to the Poojari of Ponnampatti Village Ayyanar Temple instead of priest of Arulmigu Boothanayagamman Temple and the remaining hierarchy was not disturbed. It is also resolved that the Hindu Religious and Charitable Endowments Department should conduct temple festival without any law and order problem.

10.By the above said proceedings, an amicable settlement has been arrived at between the parties to conduct festival peacefully this year. It is not correct to state that the second respondent has usurped the power of the authorities of the Hindu Religious and Charitable Endowments Department and created a new right. Apart from that if at all anybody aggrieved by the decision of the peace committee meeting, it is only the priest of Arulmigu Boothanayagamman Temple to come and challenge the same in the manner known to law. The petitioner being the party to the above said peace committee meeting and agreed for the decision arrived at in the peace committee meeting by putting his signature, now he cannot turn around to oppose the same. Apart from that the petitioner has also not proved with any evidence that there is a custom prevailing in the temple for granting Muthal Mariyathai.

11.In similar circumstances, in yet another W.P(MD)No.18207 of 2016 filed before this Court challenging the very same proceedings, this Court by an order dated 22.09.2016 dismissed the writ petition and held that by change of seniority, the petitioner was no way affected. If at all, the petitioner is aggrieved over the



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seniority fixed, he can only approach the civil forum and establish his rights. The peace committee meeting conducted by the second respondent is only a temporary arrangement to conduct festival peacefully without any law and order problem for this year as agreed by the parties that Muthal Mariyathai will be given to be given to the Priest of the Ponnampatti Village Ayyanar Temple, hence, at any stretch of imagination, it cannot be construed that the Tahsildar has changed the custom and created a new right between the parties.

12. In the above said circumstances, the contention raised by the petitioner cannot be countenanced. Hence, the writ petition is liable to be dismissed."

5. Since the parties are one and the same, the order is squarely applicable to this case. In such view of the matter, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. No Costs.

Sd/-
Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
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2. The Tahsildar,
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Arulmigu Boothanayackiamman Thirukovil,
Thuvarankuruchi,
Marungapuri Taluk,
Trichirappalli District.

+1cc to special Government Pleader SR.No.56430
+1cc to Mr.S.Gopalamanikandan, Advocate SR.NO.56290

pjl
sm:SKS-RR:09/12/2016:5P/8C

W.P (MD) No.18528 of 2016
27.09.2016