



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2018

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.1528 of 2018

Balu

... Petitioner

-Vs-

- 1.The District Collector,
Sivagangai District, Sivagangai.
- 2.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 3.The Tahsildar,
Devakottai Taluk,
Sivagangai District.
- 4.The Deputy Superintendent of Police,
Ram Nagar, Devakottai,
Sivagangai District.
- 5.The Sub-Inspector of Police,
Aravayal Police Station,
Aravayal, Devakottai Taluk,
Sivagangai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to take appropriate action on the petitioner's representation dated 23.01.2018 as per peace committee resolution dated 03.09.2005 and 25.07.2017 thereby enabling the Petitioner as well as Kathanvayal Village people to pay kovil Thalaikattu vari with the kovil Kumbabiseka committee and permit the Petitioner as well as Kathanvayal Village people to worship and to participate in the Kumbabisek ceremony with adequate Police protection scheduled to be held on 28.01.2018 at "Arulmighu Sri Sonaiyan Kaliyamman and village Deities" Temple situate at Kathanvayal Village, Unjanai Post, Devakottai Taluk, Sivagangai District.

For Petitioner : Mr.P.Thilak Kumar
For Intervenor : Mr. K.Rajeshwaran
For Respondents : Mr.V.Anand
Government Advocate

O R D E R

This petition has been filed to direct the respondents to take appropriate action on the petitioner's representation dated 23.01.2018, as per the resolution passed by the Peace Committee dated 03.09.2005 and 25.07.2017, thereby enabling the Petitioner as well as Kathanvayal Village people to pay kovil Thalaikattu vari with the kovil Kumbabiseka committee and permit the Petitioner as well as Kathanvayal Village people to worship and to participate in the Kumbabisek ceremony with adequate Police protection scheduled to be held on 28.01.2018 at "Arulmighu Sri Sonaiyan Kalliamman and village Deities" Temple situated at Kathanvayal a Village, Unjanai Post, Devakottai Taluk, Sivagangai District.

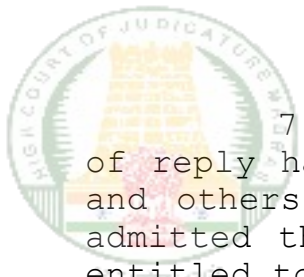
2. The learned counsel appearing for the petitioner has submitted that the aforesaid temple is a common temple for Kathanvayal village and Sithhattivayal village. With regard to performing Kumbabisekam, a Peace Committee Meeting was held by the Tahsildar and it was decided that the people belonging to both the villages should celebrate the Kumbabisekam jointly, but, contrary to the said decision, the sithhattivayal village people have issued pamphlets stating that they will alone perform the said kumbabisekam and hence, the respondents have to be directed to implement the decision taken in the Peace Committee Meeting.

3. The learned Government Advocate appearing for the respondents has submitted that since the petitioner has moved this petition urgently, he is not able to get appropriate instructions from the concerned authorities and hence, he requests this Court to adjourn the matter to 29.01.2018.

4. Mr.K.Rajeswaran, learned counsel has represented that he has been instructed by one Aasai, who is a resident of Sithhattivayal village, to file a party implead petition and hence, he requests to adjourn the matter to 29.01.2018, for filing party implead petition.

5. Since the Kumbabisekam for the aforesaid temple is scheduled to be held on 28.01.2018, if this petition is adjourned to 29.01.2018, then this petition will become infructuous. Hence, Mr.K.Rajeswaran, learned counsel is permitted to submit his arguments.

6. Mr. K. Rajeswaran, learned counsel has submitted that already the petitioner herein and others have filed a suit in O.S.No.53 of 2017, on the file of the learned District Munsif, Devakottai, and also filed an Interlocutory Application in I.A.No.816 of 2017, seeking the same relief and the said petition, after hearing both sides was dismissed on 01.09.2017 and as against the said order, so far, no appeal has been filed and hence it is not open to the petitioner to file the present writ petition for the same relief.



7. The learned counsel appearing for the petitioner by way of reply has submitted that in the counter filed by the said Aasai and others in I.A.No.816 of 2017 in O.S.No.53 of 2017, they have admitted that the people belonging to the petitioner's village are entitled to worship and now, they are denying the said right also.

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8. Mr. K.Rajeswaran learned counsel has submitted that the people belonging to Sithhattivayal village have no objection to permit the petitioner and his village people to worship the god and apart from that, they should not claim any other right.

9. Taking into consideration of all the aforesaid facts though the petitioner has asked larger relief without going in to the merits of the case, the petitioner and his village people are permitted to worship the god subject to the result of the suit. Further, it is made clear that the observation made in this order should not influence the learned District Munsif, while disposing of the main suit. Further, it is ordered that the people who are celebrating the Kumbabisekam, have to get necessary permissions from the concerned authorities.

10. With the aforesaid observations, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Sivagangai District, Sivagangai.

2.The Superintendent of Police, Sivagangai District, Sivagangai.

3.The Tahsildar, Devakottai Taluk, Sivagangai District.

4.The Deputy Superintendent of Police, Ram Nagar, Devakottai, Sivagangai District.

5.The Sub-Inspector of Police, Aravayal Police Station, Aravayal, Devakottai Taluk, Sivagangai District.

+1CC to Mr.K.Rajeshwaran, Advocate, SR.No. 44364

+1CC to Mr.P.Thilakkumar, Advocate, SR.No. 44316

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25.01.2018

das/trp

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