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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Order Reserved on :27.02.2018

Order Pronounced on :01.03.2018

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P(MD) No.3561 of 2018

Ariyanagipuram Melatheru Hindu Nadar
Uravinmurai Mahamai Kovilgal Nala Sangam,
through its President,
Ramakrishnan

... Petitioner

-Vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

2.The Sub-Inspector of Police,
Sernthamaram Police Station,
Sernthamaram
Kadayanallur Taluk,
Tirunelveli District.

3.K.Ayyan Ganesha Moorthi

... Respondents

(The third respondent is impleaded vide order of this Court dated 27.02.2018 made in W.M.P.(MD).No.4183 of 2018 in W.P.(MD). No.3561/2018)

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus directing the respondents herein to consider the representation dated 12.02.2018 and pass appropriate orders to give permission and adequate police protection for Masi Maham Kodai festival scheduled from 26.02.2018 to 01.03.2018 in Arulmuruga Shri Subramania Swamy Thirukovil, Ariyanayagipuram, Kadayanallur Taluk, Tirunelveli District.

For Petitioner : Mr.D.Nallathambi

For Respondents 1 & 2 : Mr.N.Shanmuga Selvam
Addl. Govt. Pleader

For respondent No.3 : Mr.K.Prabhu for
Issac Chambers

**O R D E R**

This writ petition has been filed to direct the respondents to consider the representation dated 12.02.2018 and pass appropriate orders to give permission and adequate police protection for Masi Maham Kodai festival scheduled to be held from 26.02.2018 to 01.03.2018 in Arulmuruga Shri Subramania Swamy Thirukovil, Ariyanayagipuram, Kadayanallur Taluk, Tirunelveli District.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

3. The learned counsel appearing for the petitioner has submitted that the petitioner is the President of the Ariyanayagipuram Melatheru Hindu Nadar Uravinmurai Mahamai Kovilgal Nala Sangam. He further submitted that there are three famous temples namely "Arulmigu Vadakasi Amman Thirukovil", "Arulmuruga Shri Subramania Swamy Thirukovil" and "Arulmigu Sudalai Veerasamy Thirukovil", which were constructed 200 years ago and worshipped by Ariyanayagipuram Melatheru Hindu Nadar Community peoples and all these temples are having some immovable properties and cultivable land, which are all administered and cultivated by Melatheru Hindu Nadar Uravinmurai Mahamai, which is an old Mahamai in the village. Every year, the Nadar community people will celebrate Masi Maham Kodai festival in the aforesaid temple. Even in the previous year, for celebrating the Purattasi Kodai festival in the aforesaid temple, the Mahamai President Mr. Mariappan has filed a writ petition in W.P.(MD).No.18945 of 2017 before this Court, seeking police protection and this Court has passed an order on 11.10.2017 granting police protection and also permission for conducting the Purattasi festival.

4. The learned counsel for the petitioner further submitted that some persons belonging to the Nadar community without any right in the administration of the said temple attempted to usurp the management and intervened in administration of the temples. Hence, a Mahamai meeting was held on 03.11.2017 and decided to form a Society called Ariyanagipuram Melatheru Hindu Nadar Uravinmurai Kovilgal Nala Sangam and also elected the petitioner as President of the said society and other Office bearers were also elected and the said society has been registered under the Societies Registration Act. He further submitted that if the third respondent wants to question the election of the petitioner as the President of the said Society, he has to file a civil suit. In support of the said contention, he has relied upon a decision in C.Dharmalingam Vs The District Registrar, Madurai South, Madurai and six others, reported in 2010 (3) CTC 390. He further submitted that the petitioner herein, as a President of the society, has decided to celebrate the Masi Maham Kodai festival in the aforesaid temple from 26.02.2018 to



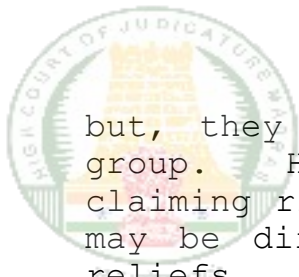
01.03.2018 and for which, the petitioner has submitted a representation before the third respondent on 12.02.2018, seeking permission for celebrating the Masi Maham Kodai festival and also to provide adequate police protection, but so far, no order has been passed.

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5.The learned counsel for the third respondent has submitted that around 1300 Nadar Community people in Ariyanagipuram Village are worshipping in the aforesaid temple. He further submitted that there are two groups in the said community, one group is led by one Thiru. Ramraj, in which, the petitioner belongs to and the other group is led by one Arumugasamy, in which the third respondent belongs to. In the year 2016, a dispute arose between the two groups with regard to the celebrating the festival and hence, a peace committee meeting was held on 24.09.2016, in which, both the parties have participated and it was resolved to conduct temple festival by both parties jointly by six members from each group. Accordingly, in the year 2016, festival was conducted jointly by each group.

6.The learned counsel for the third respondent further submitted that in the year 2017, again a dispute arose and hence, the Tahsildar convened a peace committee meeting on 07.03.2017, in which both the parties have participated and it was resolved that for the year 2017, the temple festival has to be conducted by the group led by Thiru.Ramraj and for the year 2018, by the group led by Thiru.Arumugasamy and accordingly, the group led by Thiru.Ramraj conducted the festival for the year 2017 from Tamil month Masi 2017 (February 2017) till Thai 2018 (January 2018) and thereafter, they should hand over the keys of all the three temples to the third respondent group for administering and conducting temple festival for the year 2018. He further submitted that since the petitioner's group refused to hand over the keys of the aforesaid temple, again, a peace committee meeting was held on 20.02.2018 by the Tahsildar, in which, the petitioner's group did not participate and hence, no decision has been taken in the said meeting. He further submitted that though there are 1300 people in the village, only about 300 people have joined together and formed a society and claiming that they are having right to administer the said temple in utter violation of the decision taken in the peace committee meeting held in the year 2017. He further submitted that since as per the peace committee resolution, the petitioner's group was permitted to conduct temple festival for the year 2017, they have filed W.P.(MD). No.18945 of 2017, seeking police protection and that will not give any right for celebrating the festival for this year and hence, he strongly opposed this petition.

7.The learned Government Advocate appearing for the respondents 1 & 2 has submitted that as per the resolution passed by the peace committee meeting, dated 07.03.2017, the petitioner's group has to hand over the keys of the aforesaid temples to the third respondent group for conducting the festival for this year,



but, they have not handed over the keys to the third respondent group. He further submitted that since both the parties are claiming right over the administration of the private temples, they may be directed to approach the Civil Court and get appropriate reliefs.

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8. Merely because, the petitioner's group has formed a society and registered the same under the Societies Registration Act does not ipso facto gives any right to administer the temples. The petitioner group should establish that they are having right to administer the temples. Peace Committee meetings have been convened by the Tashildar in the years 2016, 2017 and 2018. In the meetings held in the years 2016 and 2017, decisions have been taken with regard to conducting festivals. The Tashildar being a public servant, no motive can be attributed to him. Therefore, the decisions taken in the said peace committee meetings, cannot be ignored. Further the third respondent has not questioned the election of the petitioner as the President of the aforesaid society. He is questioning only the claim of the petitioner that he is having right to administer the aforesaid temple and therefore, the decision in C.Dharmalaingam Vs. The District Registrar and 6 others (supra) will not apply to the facts of this case.

9. It is to be pointed out that in the decision taken in the peace committee meeting, dated 07.03.2017, petitioner's group was permitted to celebrate the festival for the year 2017 and hence, the person belonging to the petitioner's group has filed W.P.(MD). No.18945 of 2017 seeking police protection. Therefore, the petitioner cannot rely on the order passed in W.P.(MD).No.18945 of 2017 for celebrating festival for this year.

10. A copy of the proceedings passed by the peace committee meeting dated 07.03.2017 has been filed by the third respondent. A perusal of the said proceeding reveals that on 07.03.2017, the Tahsildar has convened a peace committee meeting with regard to the celebration of the festivals of the aforesaid temple for the years 2017 and 2018, in which, it was resolved that for the year 2017, the group led by Mr.Ramraj has to celebrate the festival and so far as for the year 2018 is concerned, the group led by Mr.Arumugasamy was permitted to celebrate the festival. Now, it appears that in violation of the said decision of the peace committee meeting, the petitioner's group claiming that they are entitled to celebrate the Masi Maham festival for the year 2018 and refused to hand over the keys of the temples to Mr.Arumugasamy group. Therefore, this Court is of the view that the respondents cannot be directed to give permission to the petitioner to celebrate the Masi Maham Kodai festival. Admittedly, the aforesaid temples are private temples and they are not under the control of Hindu Religious and Charitable Endowments Department. Hence, the parties are directed to approach the Civil Court and work out their remedy.



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

Sd/-

Assistant Registrar (CS-II)

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/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.
2. The Sub-Inspector of Police,
Sernthamaram Police Station,
Sernthamaram
Kadayanallur Taluk,
Tirunelveli District.

+1cc to M/S. ISAAC CHAMBERS, Advocate SR.No.52675.

Order made in
W.P (MD) No.3561 of 2018
01.03.2018

VS

SDS/JC/SAR 1/02.03.2018/5P/4C