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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P(MD) .No.7411 of 2018
and
W.M.P(MD) .No.7092 of 2018

M.S.Ramachandran

... Petitioner

vs.

1.The Tahsildar,
Ponnamaravathi Taluk,
Ponnamaravathi,
Pudukkottai District.

2.The Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai District.

3.P.L.Subbaiah

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the 1st respondent to ensure and to ascertain that the Pongal Festival of Arulmigu Sri Maha Ezhuvakka Nachiamman Temple, Kandeduthanpatti, Pudukkottai, scheduled to be celebrated on 07.04.2018 will be conducted in a smooth and peaceful manner by all the villagers jointly without claiming any right of Ambalam on Honour or first respect by anybody on the basis of the representation of the petitioner dated 17.03.2018.

For Petitioner : Mr.Babu Rajendran

For R1 and R2 : Mr.V.Anand

Government Advocate

For R3 : Mr.Ganapathi Subramanian

ORDER

The petitioner has come forward with this writ petition for the issuance of a Writ of Mandamus to direct the 1st respondent to ensure and to ascertain that the Pongal Festival of Arulmigu Sri Maha Ezhuvakka Nachiamman Temple, Kandeduthanpatti, Pudukkottai, scheduled to be celebrated on 07.04.2018 will be conducted in a smooth and peaceful manner by all the villagers jointly without claiming any right of Ambalam on Honour or first respect by anybody on the basis of the representation of the petitioner dated 17.03.2018.



2. Heard both sides.

3. In view of disputes between the petitioner and third respondent herein, the present writ petition has been filed in order to regulate the conduct of a pongal festival of Arulmigu Sri Maha Ezhuvakka Nachiamman Temple, Kandeduthanpatti, Pudukottai, scheduled to be celebrated on 07.04.2018.

4. The main dispute seems to be with regard to the rights of the third respondent to have the 'first honour'. When the writ petition was pending, both the parties had appeared before the peace committee conducted by the Tahsildar of Ponnamaravathi on 05.04.2018. In the peace committee it has been specifically observed that the rights of the parties to have the 'first honour' will be determined in the Civil Court and that the festival shall be conducted in the same manner that was done prior to 2015. In other words, the right of 'first honour' has been given up by all the parties for the ensuing festival on 07.04.2018. When the petitioner, as well as the third respondent herein, had participated in the peace committee meeting and agreed to the 'minutes' of the said meeting, it would not be appropriate to pass any other order contrary to the mutual understanding.

5. The learned counsel for the third respondent has also filed a counter affidavit raising various grounds to establish that he has the right of 'first honour'. I am not inclined to go in such finding in view of the conduct of having accepted to the compromise in the peace committee held on 05.04.2018 and agreeing to establish his right before the Civil Court, as well as by co-operating in the smooth functioning of the temple festival on 07.04.2018. In view of the above observations, no further orders are required in the present writ petition.

6. To sum up the order;

a) The Pongal festival of Arulmigu Sri Maha Ezhuvakka Nachiamman Temple, Kandeduthanpatti, Pudukottai, scheduled to be celebrated on 07.04.2018 shall be conducted in smooth and peaceful manner by both the petitioner as well as the third respondent.

b) The right of the 'first honour', in any form, shall not be claimed by the petitioner or the third respondent or any other person who had participated in the peace committee meeting.

c) It is open to the petitioner as well as the third respondent to establish their respective rights before the Civil Court for the purpose of being a recipient of the 'first honour'.

d) The second respondent shall ensure that adequate protection is being extended during the temple festival to ensure the festival is conducted in a peaceful manner.



7.The writ petition stands ordered accordingly. Consequently,
Connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar (AS)

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Sub Assistant Registrar

To

1.The Tahsildar,
Ponnamaravathi Taluk,
Ponnamaravathi,
Pudukkottai District.

2.The Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai District.

+1cc to Mr.BABU RAJENDRAN, Advocate, SR.No. 60204

+1cc to Mr.P.GANAPATHI SUBRAMANIAN, Advocate, SR.No.60196

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