



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Nineteenth day of April Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice C.T.SELVAM
and
The Hon`ble Mr.Justice A.M.BASHEER AHAMED

WMP(MD) No.7722 of 2018

IN

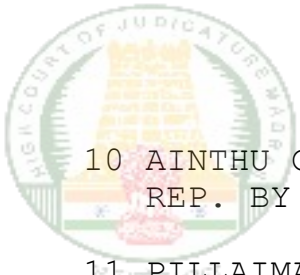
WP(MD) No.8147 of 2018

N.S.RAMARAJ

... PETITIONER/PETITIONER

Vs

- 1 THE DISTRICT COLLECTOR
COLLECTOR'S OFFICE, DISTRICT COLLECTORATE COMPLEX,
VIRUDHUNAGAR DISTRICT, VIRUDHUNAGAR.
- 2 THE DISTRICT SUPERINTENDENT OF POLICE,
DISTRICT COLLECTORATE COMPLEX, VIRUDHUNAGAR.
- 3 THE REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE,
VENKATACHALAPURAM OFFICE, SATTUR.
- 4 THE DEPUTY SUPERINTENDENT OF POLICE,
DEPUTY SUPERINTENDENT OF POLICE OFFICE,
CHOKKAR KOVIL STREET, TENKASI ROAD, RAJAPALAYAM.
- 5 THE TAHSILDAR CUM EXECUTIVE MAGISTRATE,
RAJAPALAYAM TALUK, RAJAPALAYAM, VIRUDHUNAGAR DISTRICT
- 6 THE SPECIAL OFFICER,
ARULMIGHU MARIAMMAN TEMPLE,
PUDHUPALAYAM @ RAJAPALAYAM,
THE EXECUTIVE OFFICER AND THAKKAR,
TAMILNADU HR & CE DEPARTMENT,
ANDAL KOVIL COMPLEX, SRIVILLIPUTHUR.
- 7 THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION, RAJAPALAYAM.
- 8 THE VILLAGE ADMINISTRATIVE OFFICER,
PUTHUPALAYAM VILLAGE, RAJAPALAYAM.
- 9 THE BOARD OF TRUSTEES OF ARULMIGHU MARIAMMAN TEMPLE,
PUTHUPALAYAM @ RAJAPALAYAM,
REPRESENTED BY THE CHAIRMAN, P.A.RAVI RAJA.



10 AINTHU OOR SALIYAR SAMUGATHAR
REP. BY ITS PRESIDENT, DR.ARUMUGHA PERUMAL

11 PILLAIMAR SAMUGATHAR,
REP. BY ITS PRESIDENT, K.SUNDARAM PILLAI

12 MADATHUPATTI TELUGU CHETTIARGAL SAMUGATHAR,
REP. BY ITS PRESIDENT, R.MURUGAN CHETTIAR

13 PUTHUPALAYAM AASARIGAL SAMUGATHAR,
REP. BY ITS PRESIDENT, SRINIVASAN

14 POOBALRAJAPATTI AASARI SAMUGATHAR,
REP. BY ITS PRESIDENT, E.M.GANESAN

15 DURAICHAMYIAPURAM VANIGA VAISYA SAMUGATHARGAL,
REP. BY ITS PRESIDENT, PARAMASIVAM CHETTIYAR

16 PUTHUPALAYAM THEVARGAL SAMUGATHAR,
REP. BY ITS PRESIDENT,
M.D.PANDIYARAJ

... RESPONDENTS/RESPONDENTS

Prayer in WMP(MD). 7722/ 2018 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue an interim direction to the respondents to conduct the annual Pookuzhi Chithirai festival in Arulmighu Mariamman Temple, Pudhupalayam @ Rajapalayam as per the prescribed time table this year with necessary and adequate police protection pending disposal of the main writ petition.

Prayer in WP(MD). 8147/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records relating to the order passed by the 5th respondent dated 07.04.2018 in Na.Ka.A1/3465/2018 and quash the same and consequently direct the 6th and 9th respondents to conduct the annual Pookuzhi Chithirai festival in Arulmighu Mariamman Temple, Pudhupalayam @ Rajapalayam as per the prescribed time table this year with necessary and adequate police protection.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.N.DILIP KUMAR, Advocate for the petitioner and of MR.M.RAJARAJAN, Government Advocate for R1 to R5, R7 & R8 and MR.P.MAHENDRAN, Advocate for R6 and MR.S.ANWAR SAMEEM for MR.MR.T.ANTONY ARUL RAJ, Advocate for R9 and MR.M.JEGADEESH PANDIAN, Advocate for R10 & R11 and MR.E.SOMASUNDARAM, Advocate for R12 & R13 and MR.B.SANTHANAM RAJESHKUMAR, Advocate for R14 and MR.V.MAHARAJAN, Advocate for R15 & R16 the court made the following order:-



(Order of the Court was made by **C.T.SELVAM, J.**)

Heard Mr.M.Rajarajan, learned Government Advocate appearing for respondent Nos.1 to 5, 7 and 8, Mr.P.Mahendran, learned counsel for respondent No.6, Mr.S.Anwar Sameem, learned counsel for respondent No.9, Mr.M.Jegadeesh Pandian learned counsel for respondent Nos.10 & 11, Mr.E.Somasundaram, learned counsel for respondent Nos.12 and 13, Mr.B.Santhanam Rajeshkumar, learned counsel for respondent No.14 and Mr.V.Maharajan, learned counsel for respondent Nos.15 and 16.

2.Learned counsel for respondents 9, 11 and 12 informs that such respondents share common cause with the petitioner.

3.Petitioner has informed that he is a native and resident of Rajapayalam Village and regular devotee and worshiper of 'Arul Mighu Mariyamman Temple', Puduthupalayam at Rajapayalam. He has challenged the orders of third respondent / Revenue Divisional Officer, passed on 07.04.2008, in exercise of powers under Section 144 Cr.P.C., prohibiting celebration of Temple festivities scheduled to be held between 19.04.2018 and 30.04.2018, by 9th respondent / Board of Trustee of Arulmighu Mariyamman Temple.

4.Learned counsel for petitioner submits that petitioner is moving the present Writ petition, espousing a public cause and we find reason to agree in that the 9th respondent, the Board of Trustee of the said temple as also respondents Nos.11 and 12 find common cause with him.

5.Learned counsel for petitioner drew attention of this Court to the decision of the Hon'ble Supreme Court in Civil Appeal No.2417 of 1992 and Special Leave petition (C) No.19184 of 2000, wherein the Supreme Court has concluded as follows:

"In the result for the reasons stated above, we hold that the suit temple is a public temple. The management of the suit temple has been with religious denomination of Rajus. However, this right of management of the appellants shall not prevent the Department from exercising such powers, which are conferred upon them by law in regard to the administration of the temple. The relief of declaration and injunction so far it relates to worship in pooja according to usage by Pandarams in the temple is rejected. This appeal and special leave petition stand disposed of in the above terms. No orders as to costs. "

6.It is not in dispute that the 9th respondent comprises persons belonging to the religious denomination of "Rajus". When the 9th respondent has been informed to be entitled to management of the temple, it becomes a solemn duty of all authorities to enable such respondent therein.



7. Learned counsel for respondent Nos. 12 and 13 submitted that the Peace Committee had been called for by the 5th respondent, in which, the 9th respondent chose not to participate, whereas, all other communities participated. However, the 9th respondent has forwarded a written representation to the 5th respondent. It is thereafter that 5th respondent has passed the order dated 07.04.2018, which is impugned herein.

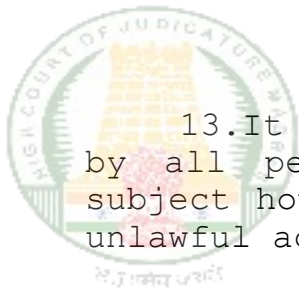
8. Learned Government Advocate appearing for the official respondents submitted that between 500 and 1000 people had gathered inside the Temple on the intervening night between 07 / 08.04.2018 and there is possibility of untoward incidents and a law and order problem and such considerations resulted in the impugned order, which is under challenge.

9. It has become common practice to work against the spirit of Court orders by resorting to show of strength in numbers and threat to officials of likelihood of a breach of peace. The reaction of the officials of the day is a knee jerk resort to proceedings under Section 144 and other provisions in Chapter - X of Cr.P.C. Officials fail to realize that when a party has established a right through due process of law and under orders of Court and, as particularly seen in the instant case, at the hands of the Apex Court, it is incumbent upon them to ensure adherence to the Rule of Law, as opposed to disobedience of orders of Court.

10. If any party has any grievance against any conduct of the person found entitled by a conclusive decision of Court, it is for such party to inform the wrong suffered by him before a legal forum and obtain relief at its hands. Claim of right on strength of numbers and on threat of disturbance of peace and tranquility is not to be encouraged.

11. For the aforesaid reasons, there shall be an order of interim direction. In keeping with the submission of the 6th respondent, which is not objected to by learned counsel for first respondent or respondents 9, 11 and 12, the conduct of celebration by the 9th respondent shall be supervised by the 6th respondent. The 7th respondent is directed to afford necessary police protection towards peaceful conduct of the festivities at the Temple. The 4th respondent is directed to oversee the measures undertaken by the 7th respondent in affording police protection.

12. Mr. P. Ramachandran, Tahsildar South, Rajapalayam and Mr. Pavul Yesu Dhasan, Inspector of Police, Rajapalayam South are present and they have been informed and put up on duty to afford adequate police protection towards conduct of the festivities at the Temple namely, Arulmigu Mariamman Temple, Pudhupalayam @ Rajapalayam, keeping with the notice of the 9th respondent informing various festivities between 19.04.2018 to 30.04.2018.



13. It is needless to state that all festivities may be attended by all persons, irrespective of the community they belong to, subject however to the requirement that they do not indulge in any unlawful activities.

14. The petition in W.P.M.P.(MD)No.7722 of 2018 shall stand ordered. Post the Writ petition in 27.04.2018.

sd/-

19/04/2018

/ TRUE COPY /

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

TO

- 1 THE DISTRICT COLLECTOR
COLLECTOR'S OFFICE, DISTRICT COLLECTORATE COMPLEX,
VIRUDHUNAGAR DISTRICT, VIRUDHUNAGAR.
- 2 THE DISTRICT SUPERINTENDENT OF POLICE,
DISTRICT COLLECTORATE COMPLEX, VIRUDHUNAGAR.
- 3 THE REVENUE DIVISIONAL OFFICER,
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DEPUTY SUPERINTENDENT OF POLICE OFFICE,
CHOKKAR KOVIL STREET, TENKASI ROAD, RAJAPALAYAM.
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- 6 THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION, RAJAPALAYAM.
- 7 THE VILLAGE ADMINISTRATIVE OFFICER,
PUTHUPALAYAM VILLAGE, RAJAPALAYAM.

- +1. C.C. to M/S.N.DILIP KUMAR Advocate SR.No.6664
- +1. CC to M/S.P.T.THIRAVIAM Advocate SR.No.6804
- +1. CC to M/S.T.ANTONY ARUL RAJ Advocate SR.No.6821
- +1. CC to M/S.V.MAHARAJAN Advocate SR.No.6595
- +1. CC to M/S.E.SOMASUNDARAM Advocate SR.No.6594
- +1. CC to M/S.P.MAHENDRAN Advocate SR.No.6626

ORDER IN
WMP(MD) No.7722 of 2018 IN
WP(MD) No.8147 of 2018
Date :19/04/2018