



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 27.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

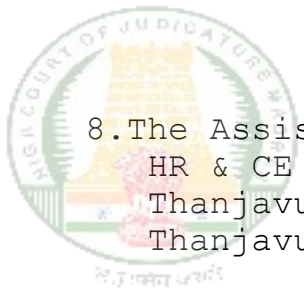
W.P (MD) No.9157 of 2018
and W.M.P. (MD) Nos.8516 and 8517 of 2018

Hereditary Trustees of Arulmighu Piramar Temple,
Thoppanayagam Village,
Chenniyaviduthi,
Orathanadu,
Thanjavur District
Rep.by one of the Trustees,
Mr.C.Ravi.

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Superintendent of Police,
Thanjavur District.
Thanjavur.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur District,
Thanjavur.
- 4.The Deputy Superintendent of Police,
Thanjavur District,
Thanjavur.
- 5.The Tahsildar,
Orathanadu Taluk Office,
Orathanadu,
Thanjavur District.
- 6.The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District,
Thanjavur.
- 7.The Joint Commissioner,
HR&CE Admn Department,
Thanjavur District.
Thanjavur.



8. The Assistant Commissioner,
HR & CE Department,
Thanjavur District,
Thanjavur.

9. Periyathambi

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 3 to 6 to provide adequate police protection for the annual temple festival and celebration to be conducted by the hereditary trustees in Arulmighu Piramar Temple, Thoppanayakkam Village, Chenniayaviduthi, Orathanadu, Thanjavur District from 27.04.2018 to 06.05.2018 or on any other date.

For Petitioner : Mr.N.Dilipkumar
For Respondents : Mr.M.Pandiyarajan, AGP for R1 to 8
Mr.R.Alagumani for R9

ORDER

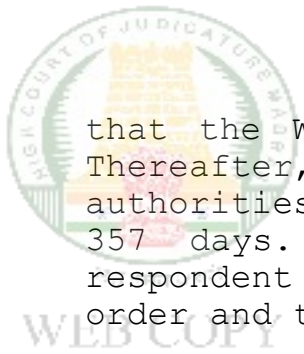
(Order of the Court was made by C.T.SELVAM, J.)

By consent, Writ Petition itself, is taken up for final disposal.

2. The petitioner held to be Hereditary Trustee of the temple have sought a Writ of Mandamus, directing respondents 3 to 6 to provide adequate police protection for annual temple festival and celebration to be conducted by the hereditary trustees in Arulmighu Piramar Temple, Thoppanayakkam Village, Chenniayaviduthi, Orathanadu, Thanjavur District from 27.04.2018 to 06.05.2018 or on any other date.

3. Learned counsel for petitioner submitted that the position of the petitioner, being the Hereditary Trustee, have been affirmed by the Hindu Religious and Charitable Endowment Authorities as also by this Court in answer to challenges to the finding of the authorities. Learned counsel submits that festivities were duly conducted by the petitioners upto 2017, without any untoward incident, while doing so, in 2017, an unfortunate incident had taken place, where a vehicle of an Assistant Commissioner of Police, had been stoned and detained. Learned counsel submitted that such unfortunate incident should not stand in the way of affording police protection to the petitioners towards due conduct of the annual temple festivities and celebrations connected therewith.

4. Learned counsel submitted that ninth respondent had challenged the finding of the HR & CE Authorities holding the petitioners to be the Hereditary Trustees, by way of Writ petition in W.P.(MD)No.7750 of 2016 and this Court under order dated 21.04.2016 had held that the order of the authorities, which had been challenged by way of said Writ petition was an appealable one. Such order was challenged in W.A.No.1030 of 2016 and with the result



that the Writ Appeal was dismissed under order dated 05.07.2016. Thereafter, the ninth respondent had moved the Commissioner, HR & CE authorities filing an application seeking condonation of delay of 357 days. On the dismissal of such application, the ninth respondent has now moved W.P.(MD)No.15158 of 2017 challenging such order and the same is pending.

5. Learned counsel for ninth respondent repetitively submitted that ninth respondent represents an illiterate group and they are entitled to poojariship in respect of one the deities, which is for the concerned HR & CE authorities to decide in keeping with Section 63(e) of the HR & CE Act and right which till date the 9th respondent has not sought to establish.

6. In the above scenario, this Court considers it appropriate to extract verbatim the order of this Court in W.P.(MD) No.7750 of 2016, dated 21.06.2016:-

"The petitioner challenges the Impugned order in O.A.No.3 of 2013 dated 06.01.2016 passed by the 1st Respondent, which is an appealable order. The petitioner will only file an appeal before the appellate authority.

2. When the matter is taken up for hearing, the fifth respondent, Sub-Inspector of Police, Vattathikottai Police Station, Orathanadu Taluk, Thanjavur District is present in Court.

3. The learned Addl. Govt. Pleader appearing for the respondents 1 to 5 would also contend that the hereditary trustee, who had been declared as per the impugned order, had given a letter in writing dated 19.04.2016.

.....

4. In the above letter, the hereditary trustee permitted the petitioner to participate in the function and to worship and also to do the ritual, like, 'Kedavettu' and they have categorically admitted that they will not hinder or hamper the participants and they will not in any way degrade them. The fifth respondent, Sub Inspect of Police, who is present before this Court, also would contend that already a peace committee meeting has been called for by the Tahsildar, which is held today (21.04.2016) at 12.00 O' Clock, the representatives also could participate even now. But the petitioners have not disclosed in this writ petition.

5. Today, the petitioner has also given a solemn undertaking before this Court that in view of the permission granted to him by the trustees themselves to participate in the function, they will not create any law and order problem, they will not in any way violate any rules and they will not in any way stop or hinder the smooth functioning of the temple or the function



and not clash with either themselves or any other or cause any havoc to the police in peacefully conducting the function. Any violation in this regard will be seriously taken note of including contempt.

6. In view of the development, which has taken place in the Court, no further order is necessary. It is made very clear that the petitioner will be permitted to participate by the trustees for worship and the police will give ample protection for all the parties and the petitioner will not in any way disturb anybody. If anybody violates, the police are at liberty to take action in accordance with law.

7. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed."

7. Learned Additional Government Pleader forwards a communication of the sixth respondent which cites the unfortunate incidents of the year 2017 as the reason for denial of police protection. Of course, reference is also made to the pendency of the proceedings before this Court.

8. Fifth respondent on his part, in the face of the pendency of this Writ petition, has chosen to call for a peace meeting today at 11.00 a.m. This exercise is seen only as intended to put a spoke in the wheel towards avoiding an order at the hands of this Court.

9. When, for the present, there is no dispute that the petitioners are the Hereditary Trustees of the Temple, the unfortunate incident of 2017 where a vehicle of the Assistant Commissioner of Police came to be stoned and detained should not be permitted to stand in the way of the petitioner conducting the annual observances and festivities. Such incident should be seen as one pointing to requirement of the police taking more effective steps to avoid unpleasant situations.

10. The apprehension of the petitioner in W.P.(MD)No.10838 of 2017 against discrimination is met by affidavit of petitioner in W.P.No.9157 of 2018, undertaking that all will be entitled to attend the festivities without any distinction on grounds of caste or community.

11. Recording our opinion as above, Writ petition shall stand disposed of directing respondents / Police shall afford adequate police protection towards conduct of the festivities at the Temple. No costs. Consequently, connected W.M.Ps. are closed.

Sd/-

Assistant Registrar(Crl. side)



To

1.The District Collector,
Thanjavur District,
Thanjavur.

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

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur District,
Thanjavur.

4.The Deputy Superintendent of Police,
Thanjavur District,
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5.The Tahsildar,
Orathanadu Taluk Office,
Orathanadu,
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7.The Joint Commissioner,
HR&CE Admn Department,
Thanjavur District.
Thanjavur.

8.The Assistant Commissioner,
HR & CE Department,
Thanjavur District,
Thanjavur.

+1cc to M/S.N.Dilipkumar, Advocate SR.No. 63903
+1cc to Special Government Pleader, SR.No. 64868

Order made in
W.P (MD) No.9157 of 2018
27.04.2018

mpk/nbj

JM/SKN RSK/SAR 4/07.06.2018/5P/11C

<https://hcservices.ecourts.gov.in/hcservices/>