



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE. D. KRISHNAKUMAR

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W.P. (MD) No.13614 of 2018
and
W.M.P. (MD) No.12393 of 2018

S.Kandhasamydurai

... Petitioner

Vs

- 1.The District Collector,
Ramanathapuram District.
- 2.The Superintendent of Police,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 4.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.
- 5.The Inspector of Police,
Thiruppalaikudi police Station,
Ramanathapuram District.

6.S.Ganesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents No.1 to 5 to restrain the 6th respondent from conducting festival at Arulmigu Sri Malaimel Udaya Ayyanar Temple situate at M.Manakudi Village, Nagaram Post, Paramakudi Taluk, Ramanathapuram District by excommunicating the petitioner and consequently to ensure his participation in the temple festival scheduled on 27.06.2018 on the basis of the representation dated 22.06.2018 in accordance with law.

For Petitioner : Mr.A.Ramalingam

For R1 to R5 : Mr.M.Karuppasamy
Government Advocate

**ORDER**

The Writ Petition has been filed to direct the respondents No.1 to 5 to restrain the 6th respondent from conducting festival at Arulmigu Sri Malaimel Udaya Ayyanar Temple situate at M.Manakudi Village, Nagaram Post, Paramakudi Taluk, Ramanathapuram District by excommunicating the petitioner and consequently to ensure the participation of the petitioner in the temple festival scheduled on 27.06.2018 on the basis of the representation dated 22.06.2018 in accordance with law.

2.Though the petitioner has sought for permission to participate in the festival scheduled to be held on 27.06.2018, the learned counsel appearing on either side, on instructions, submitted that they are willing to conduct the festival in any subsequent date and the specific date of the festival will be informed to the concerned parties.

3.According to the petitioner, the sixth respondent, being Nattamai of the village, claims first honour during the temple festival. The said claim of first honour was vehemently objected by the petitioner and other family members. Therefore the petitioner approached the respondents 3 to 5 to take appropriate action and ensure the peaceful performance of the temple festival. In the meanwhile, the respondents 3 to 5 have registered a case in Crime No.55 of 2018, under Section 107 of Cr.P.C., against the sixth respondent. Thereafter, a peace committee was arranged for amicable settlement between the parties with regard to conducting the temple festival and the same is pending before the fourth respondent.

4.Thereafter, taking advantage of the order passed in W.P.(MD)No.13021 of 2018 and despite the proceedings under Section 107 Cr.P.C., is pending before the fourth respondent, the sixth respondent and others have excommunicated the petitioner from conducting the temple festival on their own. Therefore, this writ petition has been filed before this Court seeking the aforementioned relief.

5.The learned counsel appearing for the sixth respondent has filed an undertaking affidavit before this Court, wherein, at paragraph No.6, it is specifically stated that the sixth respondent and other villagers have no objection for the participation of the petitioner and other 10 families of the petitioner's group during the temple festival. Further it is submitted that the sixth respondent will inform the date of temple festival to the authorities within one week from the date of receipt of a copy of this order.

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

6.The learned Government Advocate appearing for the respondents 1 to 5, on instructions, submitted that if there is



any violation of the said undertaking affidavit filed by the sixth respondent and if the writ petitioner creates any problem during the festival, the respondent police will take necessary action against the violators to disturb the peace and smooth functioning of the temple festival.

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7. The learned counsel for the appearing for the petitioner submitted that the said undertaking affidavit of the sixth respondent may be recorded and prayed for the disposal of the writ petition.

8. In view of the the said submissions made parties concerned, this Court is inclined to pass the following order:

(i) The petitioner is permitted to participate in the temple festival;

(ii) Both parties shall abide by the undertaking given by them.

(ii) If there is any violation in conducting the festival, the respondents 1 to 5 shall take appropriate action in accordance with law against the parties concerned.

(iv) The Deputy Tahsildar, Paramakudi Taluk, Ramanathapuram District and the Inspector of Police, Thiruppalaikudi Police Station, Ramanathapuram District are directed to be present during the festival time.

(v) Insofar as conducting Kumbabishekam and Varushabishekam of the temple is concerned, it is open to the parties to settle their dispute before the third respondent or any other forum.

10. This writ petition is disposed of accordingly. No costs. Consequently W.M.P. (MD) No. 12393 of 2018 is closed.

Sd/-

Assistant Registrar (RTI)

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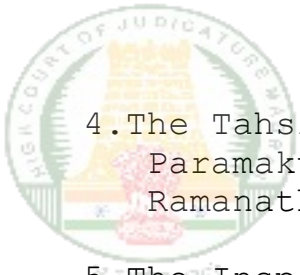
Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District.

2. The Superintendent of Police,
Ramanathapuram District.

3. The Revenue Divisional Officer,
Ramanathapuram District.



4.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

5.The Inspector of Police,
Thiruppalaikudi poilce Station,
Ramanathapuram District.

6. The Deputy Tahsildar, Paramakudi Taluk,
Ramanathapuram District.

+1CC TO Mr.D.Senthil, Advocate, Sr No.70152

+1CC TO Mr.A.Ramalingam, Advocate, Sr no.70162

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.70244

W.P. (MD) No.13614 of 2018
27.06.2018

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