



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2018

CORAM:

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THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE M.SUNDAR

W.A.[MD].No.873 of 2018
and
C.M.P.(MD).No.5456 of 2018

The Manager,
Sivagangai Devasthanam,
Sivagangai,
Sivagangai District.

.. Appellant / 4th respondent

Vs.

1. K. Ravi

.. 1st respondent / Petitioner

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Kalaiyarkoil Taluk,
Sivagangai District.

4.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

.. Respondents 2 to 4/Respondents 1 to 3

5.The Festival Committee,
Sri Periyannayaki Amman Temple,
rep. by its member,
Mr.M.Samy Ayya,
Uruvatti, Devakottai Taluk,
Sivagangai District.

.. 5th respondent / 5th respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order, dated 30.01.2018, made in W.P.(MD).No.1596 of 2018, by a learned Single Judge of this Court.

Prayer in WP(MD). 1596/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the respondents 1 to 5 herein to permit the petitioner his family members and the Dalit community families of Uruvatti Village to participate in Thaipoosam Festival in Sri



Periyanayagi Amman Temple, uruvatti which belongs to Sivagangai Devasthanam on 30.01.2018 and 31.01.2018 and ensure the participation of anyone of the Dalit Community people of Uruvatti Village in the Festival Committee by ensuring the petitioners fundamental right.

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For appellant : Mr.K.P.Narayanakumar
For 1st respondent : M/s.S.Bharathi Kannan
For respondents 2 to 4 : Mr.V.R.Shanmuganathan,
Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by The Hon'ble Chief Justice]

This appeal is against a judgment and an order, dated 30th January, 2018, passed by the learned Single Bench in W.P.(MD). No.1596 of 2018, heard along with an application in W.M.P.(MD). No.1686 of 2018.

2. The writ petitioner / 1st respondent, Mr.K.Ravi filed the writ petition praying for a Writ of Mandamus, directing the respondent Nos.1 to 5 being the District Collector, Sivagangai District; the Tahsildar, Kalaiyarkoil Taluk, Sivagangai District; the Tahsildar, Devakottai Taluk, Sivagangai District; the Manager, Sivagangai Devasthanam being the appellant herein and the Festival Committee, Sri Periyanayagi Amman Temple, represented by its member Mr.M.Samy Ayya, Uruvatti, Devakottai Taluk, Sivagangai District, to permit the writ petitioner, his family members and the Dalit Community families of Uruvatti Village to participate in "Thaipooosam Festival" in Sri Periyanayagi Amman Temple, Uruvatti, which is administered by the Sivagangai Devasthanam, on 30th January, 2018 and 31st January, 2018.

3. It appears that the parties to the writ petition agreed to allow all the devotees, including the writ petitioner / 1st respondent, to participate in the temple festival and further agreed to allot 11th day for the purpose of performing Mandagapadi rituals and functions by the community to which the writ petitioner / 1st respondent belongs.

4. The learned Single Bench lamented and perhaps rightly that though we celebrate the vibrant democracy of our great nation, we are lacking in unity, even after so many years of independence. This Court expressed its pain that matters of religion should have to be brought to this Court to permit a particular community to participate in a temple festival. The learned Single Bench referred to Section 106 of the Hindu Religious and Charitable Endowments Act, 1959 set out herein below:

"106. Removal of discrimination in the distribution of prasadam or theerthams:- Notwithstanding anything in this Act or in any text, rule or interpretation of Hindu law or any custom or usage as per of that law or in any other law



or in any decree of Court, there shall be no discrimination in the distribution of any Prasadam or Theertham in any religious institution on grounds only of caste, sex, place of birth or any of them."

5. The learned Judge observed rightly that equality should be maintained and discrimination stopped. After the observations with regard to the rich and vibrant Constitution of this Country and the provisions of law, the learned Single Bench observed that people cannot live in fear and should feel assured that the principles of equality and non-discrimination would always be adhered to. Safety, security and free movement must be ensured by the State. These findings and observations cannot be faulted.

6. In paragraph No.17, the learned Single Bench directed the District Collector to ensure peace and tranquility and to see that persons, who were indulging in violence or kindling people to participate in illegal activities, were dealt with iron hands, with no leniency or compromise. The learned Single Bench rightly observed and held that it was the mandatory duty of the respondent Nos.1 to 3 to ensure that law and order, peace and tranquility were maintained during the festival and at the time of other events conducted by public institutions, including Temples, Churches and Mosques. No leniency should be shown to persons indulging in any illegal activities, promoting wrong ideas and creating law and order problems. The judgment and order under appeal does not warrant any interference. The direction with regard to the 11th day festival was by consent. Apart from recording the aforesaid consent, the learned Single Bench has only directed the authorities concerned to perform their mandatory, constitutional and statutory duty to protect the lives and limbs of the people, ensure their security and safety, and to prevent breach of peace and disturbance of law and order.

7. In any case, the writ petition was with regard to festivals which were held in the month of January, 2018 and as such, the writ appeal has also become infructuous.

8. The writ appeal is, thus, dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District,
Sivagangai.



2.The Tahsildar,
Kalaiyarkoil Taluk,
Sivagangai District.

3.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

+1cc to Special Government Pleader, SR.No. 70551
+1cc to M/S.S.Bharathi Kannan, Advocate SR.No. 70537
+1cc to M/S.K.P.Narayanakumar, Advocate SR.No. 70846

JUDGMENT MADE IN
W.A. (MD) .No.873 of 2018
29.06.2018

gcg/smn
JM/SV/SAR 1/18.07.2018/4P/7C