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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P. (MD) No.25028 of 2018

T.Jegan

... Petitioner

vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
Kottar Police Station,
Nagercoil.

3.Thiyagarajan

4.Rajagopal

5.Chellaswamy

6.V.Vaigundamani

7.R.Sahadevan

... Respondents

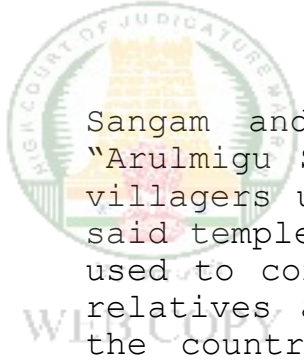
(Respondent Nos.3 to 7 are impleaded as per order of this Court made in W.M.P.(MD)No.23021 of 2018 in W.P.(MD)No.25028 of 2018, dated 21.12.2018)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, to direct the respondents 1 & 2 to give permission to celebrate the festival by the village people in a usual manner on 30.12.2018.

For Petitioner	: Mr.I.Irulappan
For R1 & R2	: Mr.R.Anandharaj
	Additional Public Prosecutor
For R3 to R7	: Mr.M.P.Senthil

O R D E R

This writ petition has been filed to direct the respondents 1 & 2 to give permission to celebrate the festival by the village people in a usual manner on 30.12.2018.



Sangam and that there are two temples in the village namely, "Arulmigu Sudlaimada Samy" and "Arulmigu Mutharamman" and that the villagers used to conduct worship and ritual functions on the above said temple with great devotions. He would further submit that they used to conduct annual festival in the said temple by inviting all relatives and local residents, who are residing in other parts of the country. He would also submit that the annual festival is usually celebrated by collecting nominal amount from the local residents of village and it is called as Thalakattuvari.

3.The learned counsel for the petitioner would submit that the administration of the temple is being managed by the committee, consisting of villagers belonging to the said village and due to some irregularities in the management, few individuals have filed a scheme suit in O.S.No.150 of 2009 before the I Additional Subordinate Judge, Nagercoil and thereafter, scheme was formulated in the above suit. He would further submit that the scheme suit was decreed pursuant to a compromise and the petitioner and his men were not consulted and scheme was formulated against the interest of the local residents. The petitioner being aggrieved, filed C.R.P.No.1047 of 2018 and obtained a stay order against the order passed by the Court below in the scheme suit. He would further submit that the persons, who are now administering the temple, have not accepted Thalakattuvari from the petitioner and his men and are also preventing the petitioner from conducting the festival and thereby, in order to celebrate the festival, the petitioner has sought for permission and police protection from the respondents.

4.Thiyagarajan and four others have been impleaded as respondents 3 to 7 pursuant to the order passed by this Court. The learned counsel appearing for the respondents 3 to 7 would submit that the respondents 3 to 7 are presently managing the committee after the decree in the scheme suit and the petitioner filed CRP.No.1047 of 2018 and obtained stay. However, this Court by an order dated 20.12.2018 in C.M.P.No.12334 of 2018, vacated the stay and modified it as status quo and as on date as per the order passed in the scheme suit, the respondents 3 to 7 are the present committee administering the temple. He would also submit that in the guise of getting order from this Court, the petitioner and his men are attempting to create problem usurp and take over the administration of the temple from the respondent Nos.3 to 7 who are now the committee members administering the temple. He would further submit that the respondent Nos.3 to 7 have no objection to permit the petitioner and his men to participate and to worship and that as per the decree in the scheme suit the present committee is only conducting the festival and that the petitioner cannot be allowed to conduct the festival and he could not take part in the administration, which is the subject matter pending before the civil forum.



5. At this juncture, the learned counsel appearing for the petitioner would submit that it would suffice that the petitioner and his men may be permitted to participate in the temple festival and offer worship and would pray and that suitable orders may be issued by this court.

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6. The learned Additional Public Prosecutor would submit that the respondent police is prepared to give protection, if both parties give necessary undertaking to conduct temple festival in a peaceful manner.

7. In view of the above, the petitioner is directed to approach the respondent police and give the list of the persons, who are participating in festival and offerings worship and also give an undertaking that he and his men will not create any problem in the temple and that they will not claim right to administer the temple or conduct the festival on the strength of this order. The respondents 3 to 7 shall give an undertaking that they will not prevent the petitioner and his men to participate in festival and offer worship. On such compliance, the respondent police shall give adequate protection.

With this observations, this Writ Petition stands closed. No costs.

Sd

ASSISTANT REGISTRAR (CS II)

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SUB ASSISTANT REGISTRAR (CS II)

gns

To

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Inspector of Police,
Kottar Police Station,
Nagercoil.

SP RSK SAR 2
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