



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.14699 of 2019
and W.M.P. (MD) No.11133 of 2019

K.Ramasamy

... Petitioner

Vs.

- 1.The District Collector,
Karur District, Karur.
- 2.The Superintendent of Police,
Karur, Karur District.
- 3.The Revenue Divisional Officer,
Karur, Karur District.
- 4.The Tahsildar,
Karur Taluk
Karur District.
- 5.The Inspector of Police,
Pasupathipalayam Police Station
Pasupathipalayam, Karur
- 6.Mahalingam
- 7.K.Ammaiyappan
- 8.Sathasivam
- 9.Marimuthu

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to forbear the respondents 3 to 5 from permitting the respondents 6 to 9 from conducting the Chithirai Festival of Arulmigu Bagavathi Amman Temple, Pudhukalipalayam, Puliur Village, Karur Taluk and District from 02.07.2019 to 04.07.2019 or any other subsequent dates.

For Petitioner
For Respondents

:Mr.R.Subramanian
:Mr.P.Kannithevan for R1 to R5
Additional Government Pleader
Mr.D.Shanmugaraja Sethupathi for R6 to R9

**ORDER**

The prayer in the writ petition is for a Writ of Mandamus to forbear the respondents 3 to 5 from permitting the respondents 6 to 9 from conducting the Chithirai Festival of Arulmigu Bagavathi Amman Temple, Pudhukalipalayam, Puliur Village, Karur Taluk and District from 02.07.2019 to 04.07.2019 or any other subsequent dates.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the official respondents and the learned counsel for the respondents 6 to 9.

3. The issue raised in this writ petition is that, how and by whom the Chithirai festival of Arulmighu Bagavathi Amman Temple at Pudhukalipalayam, Puliur Village, Karur District scheduled to be conducted from 02.07.2019 to 04.07.2019, be conducted.

4. In this regard, it is the claim of the petitioner, who belongs to Group 'B' that, they have every right to conduct the festival along with the other group people ie., 'A' Group people, as the Chithirai festival is the common festival to be conducted by the entire village people.

5. Per contra, the learned counsel for the private respondents made submissions stating that, though it is a common festival to be conducted by the entire village people, it should be conducted under the headmanship or leadership of one person called "Kothukaran", and that "Kothukaranship" or the role of "Kothukaran" had been performed by the 6th respondent, who belongs to A group. In this context, it is the submission of the learned counsel for the private respondents that, for the past eight years, the "Kothukaranship", has been conferred only on the 6th respondent or the 6th respondent had been acting as the "Kothukaran", under whose headship, the festival had been conducted for the past eight years.

6. However, the learned counsel for the petitioner claimed that, originally, "Kothukaranship" was conferred only on one Arumugam, who belongs to B group and that Arumugam is one of the party, before the third respondent in the peace committee meeting held on 26.06.2019 among other members of that group as well as the other group and therefore, the Kothukaranship post held by the said Arumugam belong to B Group for more than 20 years cannot be given up by the B group people to the A group, ie., Mahalingam of A group.

7. This is the centre of controversy between the two groups ie., A Group and B Group and only in that circumstances, on 26.06.2019, a peace committee meeting was conducted by the third respondent ie., the Revenue Divisional Officer, Karur, where some decisions have been taken. Even though some decisions have been taken in the peace committee meeting, the same had not been agreed by B Group people and this has been recorded in the minutes dated 26.06.2019 of the third respondent stating that, the B Group has not accepted the decision taken in the peace committee meeting and none



of the B Group persons have signed in the minutes.

8. Only in the said circumstances, the present writ petition has been filed by one of the member of B Group with the aforesaid prayer.

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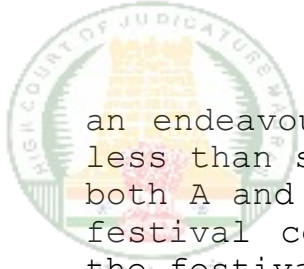
9. The fact remains that, the festival has been already scheduled to be conducted from 02.07.2019 to 04.07.2019, ie., from Today till day-after-tomorrow. Since the writ petition has been filed only during last minute, even though the learned counsel for the private respondents appeared and made submissions, the learned Additional Government Pleader for the official respondents made submissions, on instructions, the issue as to who shall be the headman/Kothukaran to conduct the festival cannot be resolved at this moment. Moreover, it is further to be noted that, the 'B' Group already approached the civil Court and filed a civil Suit in O.S.No.340/2019 before the Principal/Additional District Munsif Court, Karur, where the 'B' Group persons were the plaintiffs and 12 of the 'A' Group people have been arrayed as defendants. Comprehensively, a prayer had been sought for in the suit, where the issue as to who shall be the Kothukaran in that village to conduct the festival or the plea now raised by the 'A' Group, that the 6th respondent can continue to be the Kothukaran or it should be given to one Arumugam belong to B Group, as claimed by the B Group, can also be decided by the competent civil Court, after evaluating the evidence to be adduced by both sides and therefore, that issue cannot be decided by this Court, exercising its jurisdiction under Article 226 of the Constitution of India, as admittedly, this issue is a complicated factual aspect.

10. However, in the present circumstances, whether the scheduled festival, ie., the Chithirai Thiruvizha from today till day after tomorrow, (02.07.2019 to 04.07.2019) can be conducted peacefully with the cooperation/coordination between both the groups, is the only issue that can be given a quietus by this Court in the present writ petition.

11. In order to give an amicable solution for the current crisis to conduct the present festival, which is commencing from today and will last for another two days, ie., up to 04.07.2019, this Court, after hearing all the parties through their respective counsel and also the learned Additional Government Pleader, is of the view that, the Kothukaranship issue can be decided later on before the appropriate forum, ie., before the civil Court, which already has been approached by the parties. However, to conduct the current festival for the three days from today, the same can be conducted by the committee of persons belong to both groups, ie., A and B Groups, without taking a headman ie., Kothukaranship.

12. In that view of the matter, this Court is inclined to pass the following order by disposing the present writ petition:

(1) That the second, third and fourth respondents shall make



an endeavour to constitute a festival committee of the village not less than six persons and not more than twelve persons consisting of both A and B Groups, having equal number of representatives and such festival committee to be constituted in this regard shall conduct the festival for three days from today;

(2) During the festival, only the committee so constituted shall manage the affairs of conducting the festival on behalf of both groups and on behalf of the entire village and no individual can claim any right whatsoever including Kothukaranship and if at all any respect to be given to any individual including the Kothukaranship, the same need not be given to any individual for the current festival;

(3) This arrangement is made purely as an adhoc measure, to tied over the situation or crisis faced by both groups in the light of the current festival or ongoing festival. Therefore, the same cannot be treated as a permanent solution for the issue raised by the authorities;

(4) The respondents 1 to 5 shall ensure that, the above said arrangement is implemented and the festival is conducted for the three days, without having any room for law and order issue and

(5) It is further made clear that, during the festival, if any violation of any of these arrangements as directed by this Court in this order is noted by the revenue or police people, they shall take immediate action against any individual or group of individuals in accordance with law.

13. With these directions, the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Karur District, Karur.

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

3.The Revenue Divisional Officer,
Karur, Karur District.

4.The Tahsildar,
Karur District,
Karur District.



5.The Inspector of Police,
Pasupathipalayam Police Station
Pasupathipalayam, Karur

+2cc to Mr.R.SUBRAMANIAN, Advocate, SR.No. 72791
+1cc to M/s.Special Government Pleader,SR.No. 10847

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and W.M.P. (MD) No.11133 of 2019
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RR
KK/SAR/02.07.2019/5P-9C

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