



EFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD)No.4378 of 2019

WEB COPY

P.Elongavan

... Petitioner

/Vs./

1.The District Collector,
Office of the district Collector
Dindigul District

2.The Superintendent of Police,
Dindigul District

3.The Inspector of Police,
Vellampatti Police Station,
Dindigul District

4.Thakkar/Executive Officer,
Sri Muthalamman Temple,
Villampatti, Nilakottai Taluk,
Dindigul District,
Having Office at
Mungilanai Kamatchiamman Kovil,
Devadanampatti, Periyakulam Taluk,
Theni District.

5. Tmt.Tirupura Sundari,
D/o Subramania Pillai,
4-SF Aahaash Barsan Apartments,
Fathima College opposite,
Madurai.

... Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to provide necessary police protection while conducting the Panguni festival at Arulmighu Muthalamman temple situated at Villapatti Village, Nilakottai Taluk, frm 09.04.2019 to 13.04.2019 on the basis of the representation dated 28.01.2019.

For Petitioner	: Mr.C.Jeganathan for Veera Associates
For R1 to R3	: Mrs.S.Bharathi Government Advocate (Crl. Side)
For R4	: Mr.M.Muthugeethayan for Mr.A.K.Baskarapandian
For R5	: Mr.V.Ramakrishnan



ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 to 4 herein to provide necessary police protection while conducting the Panguni festival at Arulmighu Muthalamman temple situated at Villapatti Village, Nilakottai Taluk, from 09.04.2019 to 13.04.2019 on the basis of the representation dated 28.01.2019.

2. Heard the learned counsel appearing for the respective parties.

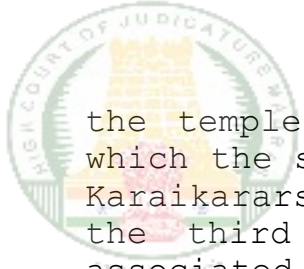
3. The dispute herein appears to have assumed an annual feature. There is a certain temple known by its name, Arulmighu Muthalamman temple.

4. The fifth respondent herein has been declared as Hereditary Trustee in the year 2016 by the proceedings of the Joint Commissioner of HR&CE Department. There are certain functions/celebrations associated with the Temple, which are performed by 14 Karaikarars. One of the Karaikarars has come before this Court seeking permission to perform the Panguni Festival from 09.04.2019 to 13.04.2019.

5. On an earlier occasion, when the fifth respondent was declared as a Hereditary Trustee by the Statutory Authority, there has been some differences among the Karaikarars and the Hereditary Trustee and finally, it culminated in a peace fact arrived during a peace meeting conducted by the Revenue Divisional Officer, Dindigul. This peace agreement consists of 37 clauses and it is arrived on 07.04.2015. In the following year, in 2016, another Karaikarar had moved this Court in W.P.(MD)No.6111 of 2016 and this Court had adopted the peace fact of the earlier order dated 07.04.2015 referred to above and further directed the respondent police to give police protection for the conduct of the festival in the said temple. This year is yet another year. But the controversy continues to haunt the parties if not but temple.

(*)'6.In the ultimate analysis, this is an issue, which in all fitness ought to have been a non-issue, that does not deserve a visit to this Court for a resolution. There are 14 Karaikarars. Their right to receive honours during festival and celebrations associated to the Temple as such has not been denied. Unlike the earlier occasions, the right of the fifth respondent as Hereditary Trustee has now been recognized by the proceedings of the Joint Commissioner dated 06.03.2016. This finds mentioning in the order of this Court dated 06.04.2016 passed under the caption 'for being mentioned' in W.P. (MD)No.6111 of 2016.'

7. Having said that, in order to ensure that all the parties on both sides to understand the respective duties and obligations to



the temple and to show their responsibility to preserve peace to which the society is entitled to, it is now directed that all the 14 Karaikarars shall give an undertaking to the Inspector of Police, the third respondent herein, that whatever religious practises associated with the temple, to which they have got a right to perform, will be conducted peacefully and the organizers thereof shall take responsibility for the peaceful conduct of such practices in the temple. The Hereditary Trustee shall play her role as Trustee in the conduct of all these functions and celebrations and she will also give an undertaking that she would not interfere such religious practices and customary practices associated therewith for which the Karaikarars are entitled to, as long as it does not conflict with her right as the Hereditary Trustee. The copy of the undertaking is directed to be given to the Executive Officer and the Inspector of Police, the third respondent herein.

8. It is unfortunate that the Court has to separate the warring parties to the specific zone of operation, all for worshipping, which is meant to spread peace to the society. This Court only requires the parties herein to consider it as an insult to them that they should come to this Court seeking permission for offering prayers or performing their practices. This Court only wishes that the parties be engaged in better business rather than visiting this Court yet another time.

9. The fourth respondent, the Executive Officer will be in overall in-charge of the entire function. He will play a neutral role and in case he perceives that any law and order situation arising, he may approach the police to provide protection.

10. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl.Side)

(*)Amended as per order of
this Hon'ble Court dated
20.03.2019.

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-)

To

To be substituted the order already despatched by this Honourable Court 13.03.2019

1.The District Collector,
Office of the district Collector,
Dindigul District.



2. The Superintendent of Police,
Dindigul District

3. The Inspector of Police,
Vellampatti Police Station,
Dindigul District

+1 CC to M/s.V.RAMAKRISHNAN, Advocate
(*) (**SR-55438[F]** dated 08/03/2019)

+1 CC to M/s.M.MUTHUGEETHAYAN, Advocate
(*) (**SR-55635[F]** dated 08/03/2019)

+1 CC to M/s.VEERA ASSOCIATES, Advocate
(*) (**SR-55415[F]** dated 11/03/2019)

Order made in
W.P. (MD) No4378 of 2019
08.03.2019

CM
ES/13.03.2019/4P/7C
SP/24.03.2019/ 4P/7C