



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2019

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. (MD) No.6267 of 2019

R.Ganesan

.. Petitioner

Vs

1.The District Collector,
Sivagangai District.

2.The Sub-Collector,
Devakottai Taluk,
Sivagangai District.

3.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

4.The Inspector of Police,
Devakottai Taluk Police Station,
Devakottai,
Sivagangai District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to provide police protection for the peaceful conduct of Kappukattu Thiruvizha, followed by Mulaippaari Thiruvizha at Sri Bala Mariamman Kovil, Manbuvayal Village, Devakottai Taluk, Sivagangai District, from 19.03.2019 to 27.03.2019.

For Petitioner	:Mr.J.Anandkumar
For Respondents	:Mr.K.Suyambulinga Bharathi Government Advocate (Criminal side)
For Intervenor	:Mr.AN.Ramanathan for Mr.Chinnasamy, Mr.R.M.Arun Swaminathan for Mrs.Kaliammal,

ORDER

The petitioner has filed this Writ Petition, seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to provide police protection for the peaceful conduct of Kappukattu Thiruvizha, followed by Mulaippaari Thiruvizha at Sri Bala Mariamman Kovil, Manbuvayal Village, Devakottai Taluk, Sivagangai District,



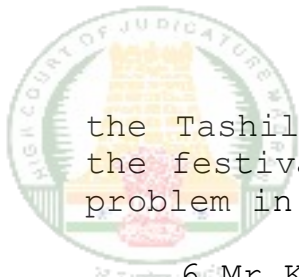
from 19.03.2019 to 27.03.2019.

2.Mr.J.Anandkumar, learned counsel appearing for the petitioner submitted that Sri Bala Mariamman Kovil Temple is a Village Temple and maintained by Kallar Community out of their self contributions. The Village people used to celebrate the temple festival during the Tamil month of Panguni from 5th day of Panguni to 13th day of Panguni every year by taking Mulaippaari and the petitioner was selected by the Villagers for conducting the festival this year. When earlier, the entire Village people unanimously decided to conduct the temple festival in the month of Chitrai, one Chinnasamy filed a Civil Suit in O.S.No.27 of 2015 on the file of the District Munsif Court, Devakottai, for mandatory injunction to conduct the festival in the tamil month of Panguni and also consequential injunction, not to interfere with the functioning of the said Chinnasamy as Poosari. The said suit was decreed by judgment and decree dated 10.03.2017. Pending the suit, the Villagers represented by one Subramanian, approached this Court by way of filing Crl.O.P.(MD)No.5601 of 2015 for police protection for conduct of the festival and this Court, by order dated 10.04.2015, allowed the said petition and granted the relief of police protection.

3.The learned counsel appearing for the petitioner further submitted that the petitioner and other Village people filed an appeal against the judgment and decree granting injunction in favour of the said Chinnasamy as Poosari with condone delay petition and the same is pending. While so, some of the Villagers filed another Civil Suit in O.S.No.46 of 2018 on the file of the District Munsif Court, Devakottai, for injunction against the said Chinnasamy and the said suit is also pending. While things stood thus, the entire Village people decided to celebrated the temple festival during the month of Panguni from 19.03.2019 to 27.03.2019. Therefore, petitioner along with other Villagers presented a petition dated 05.03.2019 seeking permission to conduct the temple festival with police protection in a peaceful manner and the same was forwarded to the third respondent by the first respondent and thereafter, there was no progress on the said representation. Hence, the petitioner has approached this Court by way of filing the present Writ Petition.

4.Mr.AN.Ramanathan, learned counsel appearing for Mr.Chinnasamy, S/o.Karuppaiah submitted that though the said Chinnasamy is not a party to the present Writ Petition, he is a traditional Poosari and he has got Civil Court decree in his favour in O.S.No.27 of 2015, wherein the Civil Court granted Poosariship and taking Karagam and therefore, he is entitled to participate in the festival conducted by the petitioner.

5.Mr.R.M.Arun Swaminathan, learned counsel appearing for Mrs.Kallanmai, W/o.Ramadoss, submitted that for smooth functioning of the festival, it is appropriate to hand over the entire issue to



the Tashildar and the Tahsildar will nominate a person to conduct the festival, otherwise, both the parties will create law and order problem in the Village.

6.Mr.K.Suyambulinga Bharathi, learned Government Advocate (Criminal side) submitted that, on earlier occasion, in similar circumstances, this Court passed an order directing the Tahsildar concerned to conduct the temple festival and therefore, he prayed, to pass appropriate orders.

7.In view of the above said facts and circumstances of the case, this Court directs the third respondent - Tahsildar, Devakottai Taluk, Sivagangai District, to depute a fit person for conducting the temple festival. However, liberty is granted to the petitioner as well as the rival parties to make their contributions to the third respondent Tahsildar to conduct the temple festival. Both the parties are entitled to worship in the Temple. The temple festival shall be conducted as per Hindu Agama/culture. It is open to the third respondent Tashildar to seek police protection for smooth functioning of the temple festival, if necessary.

8.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Sivagangai District.

2.The Sub-Collector,
Devakottai Taluk,
Sivagangai District.

3.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

4.The Inspector of Police,
Devakottai Taluk Police Station,
Devakottai,
Sivagangai District.

+1cc to Mr.J.Anandkumar, Advocate, SR.No.55143

+1cc to Mr.AN.Ramanathan, Advocate, SR.No.54835