



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Twenty Second day of August Two Thousand and Nineteen
PRESENT

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The Hon'ble Mr. Justice G.R. SWAMINATHAN

WMP(MD). No.11830 of 2019

in

WP(MD).No.7975 of 2019

MURUGAIAH ... Petitioner/3rd Party / proposed 6th Respondent

Vs

1 SHANMUGAVEL @ RATTU SHANMUGAVEL ...1st Respondent /
Writ Petitioner

2 THE SUPERINTENDENT OF POLICE, TIRUNELVELI DISTRICT

3 THE REVENUE DIVISIONAL OFFICER, TENKASI, TIRUNELVELI DISTRICT

4 THE TAHSILDAR, KADAYANALLUR TALUK, TIRUNELVELI DISTRICT

5 THE INSPECTOR OF POLICE, AYKUDI POLICE STATION, AYKUDI,
TIRUNELVELI DISTRICT

6 PONNAIAH

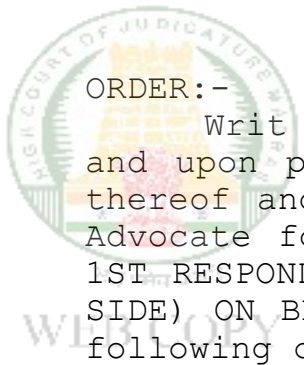
...2 to 6 Respondents / 1 to 5 Respondents
in Main Writ Petition

Prayer in WMP(MD). No.11830 of 2019 :-

Writ Miscellaneous Petition is filed under Article 226 of the Constitution of India, praying this Court to permit the petitioner to implead the proposed 6th respondent as 6th respondent in the Writ Petition in WP(MD).NO.7975/2019.

Prayer in WP(MD).No.7975 of 2019 :

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 4 to grant necessary permission for conducting the annual temple festival with regard to Arulmighu Thirumalai Kaliyamm Kovil at Aykudi Village, Kadayanallur Taluk, Tirunelveli District from 10.05.2019 to 12.05.2019 and to conduct tamil traditional Villisai Katcheri Programme and Karakattam Programme during the annual temple festival on the basis of the representation dated 13.03.2019.



ORDER:-

Writ Miscellaneous Petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. T.S.R.VENKATRAMANA, Advocate for the Petitioner and of Mr. P.T.THIRAVIAM, ADVOCATE FOR 1ST RESPONDENT AND OF MR.A.ROBINSON, GOVERNMENT ADVOCATE (CRIMINAL SIDE) ON BEHALF OF THE RESPONDENTS NOS.1 TO 5, this Court made the following order:

The first respondent herein namely., Shanmugavel @ Rattu Shanmugavel filed W.P.(MD)No.7975 of 2019, for directing the authorities to grant him permission for conducting the petition mentioned temple festival. This Court was given to understand that there was no rival claim, therefore, the writ petition came to be allowed by order dated 04.04.2019. Seeking recall of the said order, this miscellaneous petition has been filed.

2.The learned counsel appearing for Thiru.Murugaiah, who states that the petitioner herein has been acknowledged as Nattanmai of the Hindu Paraiyar (SC) Community of Aykudi Village. He would strongly contest the very claim of the first respondent herein to represent the villagers for conducting the event in question. Since the very right and locus of the writ petitioner is under question, I am of the view that the writ petition could not have been allowed. This Court was under the impression that there was no challenge to the claim of the petitioner to maintain the writ petition. Now that the same is contested, I am of the view that the order passed by me on 04.04.2019 will have to be recalled and it is accordingly recalled. Since I have not gone into the merits of the matter, it is open to the first respondent to file a fresh writ petition. But then, he will have to necessarily implead Thiru.Murugaiah or whoever is the incumbent Nattanmani. He cannot obtain an order behind the back of the actual claimants. With this liberty and observation, this miscellaneous petition stands allowed and the writ petition is dismissed.

Sd/-

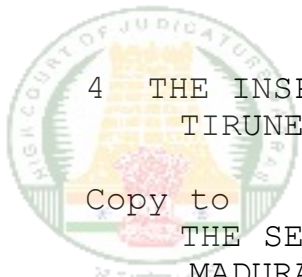
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1 THE SUPERINTENDENT OF POLICE, TIRUNELVELI DISTRICT
- 2 THE REVENUE DIVISIONAL OFFICER, TENKASI, TIRUNELVELI DISTRICT
- 3 THE TAHSILDAR, KADAYANALLUR TALUK, TIRUNELVELI DISTRICT



4 THE INSPECTOR OF POLICE, AYKUDI POLICE STATION, AYKUDI,
TIRUNELVELI DISTRICT

Copy to

THE SECTION OFFICER, WRIT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

(To Recall the matter dated 04.04.2019)

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ORDER DATED:22.08.2019

ORDER

WMP (MD) . No.11830 of 2019

in

WP (MD) .No.7975 of 2019

KK/SAR/26.08.2019/3P-6C/