



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Writ Petition (MD) No.13995 of 2019

and

W.M.P. (MD) No.10478 of 2019

WEB COPY

E.Ayyanar

... Petitioner

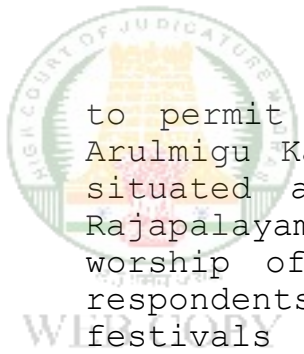
Vs

- 1.The District Collector,
Virudhunagar,
Virudhunagar District.
 - 2.The Revenue Divisional Officer,
Sattur Sub Division,
Virudhunagar District.
 - 3.The Tahsildar,
Rajapalayam,
Virudhunagar District.
 - 4.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
 - 5.The Deputy Superintendent of Police,
Rajapalayam Sub division,
Virudhunagar District.
 - 6.The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
 - 7.The Sub Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
 - 8.P.Veerapandian
 - 9.G.Subburaj
 - 10.K.Ponnaiah
- (R10 impleaded vide order dated 24.09.2019
made in W.M.P.(MD) No.11174 of 2019)

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 7

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to permit the village people of Sankaralingapuram to enter into Arulmigu Kanthariamman Temple and Arulmigu Veerapathirasamy Temple situated at Sankaralingapuram village, Nallamanaickenpatti Post, Rajapalayam Taluk, Virudhunagar District and ensure the peaceful worship of the temple by the village people and to direct the respondents 4 to 7 to provide police protection for the temple festivals to be conducted from 05.07.2019 to 07.07.2019 by considering the petitioner's written representation dated 05.06.2019.

For Petitioners : Mr.A.Kannan

For Respondents : Mr.R.Anandharaj, APP
for RR1 to 7

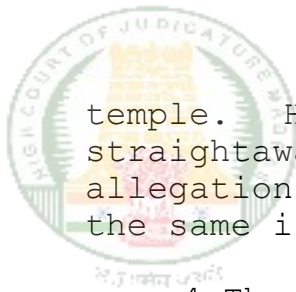
Mr.M.Saravanakumar, for R8
Mr.S.M.Ananthamurugan, for R10

O R D E R

This writ petition has been filed for issuance of a writ of Mandamus, directing the respondents 1 to 7 to permit the village people of Sankaralingapuram to enter into Arulmigu Kanthariamman Temple and Arulmigu Veerapathirasamy Temple situated at Sankaralingapuram village, Nallamanaickenpatti Post, Rajapalayam Taluk, Virudhunagar District and ensure the peaceful worship of the temple by the village people and to direct the respondents 4 to 7 to provide police protection for the temple festivals to be conducted from 05.07.2019 to 07.07.2019 by considering the petitioner's written representation dated 05.06.2019.

2.The learned counsel appearing for the petitioner would submit that the entire villagers are not permitted by the respondents 8 and 9 even to enter into Arulmigu Kanthariamman Temple and Arulmigu Veerapathirasamy Temple situated at Sankaralingapuram village, Nallamanaickenpatti Post, Rajapalayam Taluk, Virudhunagar District. Therefore, in this regard, the petitioner submitted a representation before the 6th respondent and the same is pending for consideration. He further submitted that though the temple festival is over between 05.07.2019 to 07.07.2019, they are not even permitted by the respondents 8 and 9 to enter into the temple to worship the God.

3.The learned counsel appearing for the 8th respondent would submit that in this regard, already peace committee meeting conducted by the 3rd respondent, in which, both parties agreed to pursue their right subject to the result of the writ petition order dated 23.04.2019 made in W.A.(MD) No.470 of 2019. In the said writ petition, a Division Bench of this Court, directed the parties concerned to approach the civil Court for their rights over the



temple. However, without complying the said order, the petitioner straightaway lodged a complaint before the 6th respondent with false allegation. Therefore, this writ petition is not maintainable and the same is liable to be dismissed.

4.The learned counsel appearing for the 10th respondent would submit that he is also hailing from the same village and the entire villagers are not allowed to even worship the got and hence, he prayed for direction directing the 8th and 9th respondents to permit the entire village people to worship the God.

5.The learned Additional Public Prosecutor would submit that on the direction issued by the 3rd respondent in the peace committee meeting dated 26.04.2019, both the parties are directed to act in accordance with the result of the writ appeal in W.A.(MD) No.470 of 2019 by order dated 23.04.2019. Accordingly, the parties concerned are liable to approach the Civil Court to ascertain their respective rights over the said temples. However, no one has approached the civil Court to ascertain their rights. Without doing the same, the petitioner and the counter part have approached the police seeking permission to conduct the festival. He further submitted that already two cases were registered as against all the parties concerned between both the rival groups in crime Nos.143 and 144 of 2019 on the file of the 6th respondent and they are pending for investigation. Therefore, the prayer sought for in this petition cannot be granted.

6.Heard the learned respective counsel appearing for the petitioner, 8th and 10th respondents as well as the learned Additional Public Prosecutor appearing for the State.

7.The petitioner and the 8th and 9th respondents are rival parties in respect of claiming right over the temple viz., Arulmigu Kanthariamman Temple and Arulmigu Veerapathirasamy Temple situated at Sankaralingapuram village, Nallamanaickenpatti Post, Rajapalayam Taluk, Virudhunagar District. In this regard, the 3rd respondent already conducted peace committee meeting on 26.04.2019, in which, both the parties have agreed to act according to the result of the order dated 23.04.2019 passed in W.A.(MD) No.470 of 2019. Accordingly, this Court directed the parties concerned to approach the concerned Civil Court for appropriate relief in respect of their rights over the temples. However, so far, they have not approached the Civil Court.

8.Under these circumstances, they have also lodged complaints as against each other and the same has been registered by the 6th respondent in crime Nos.143 and 144 of 2019 and both the crimes are now pending for investigation. However, now, the petitioner sought for permission to conduct the festival and also to enter into the temple for worshipping.

9.Considering the above facts and circumstances of the case, in respect of conducting temple festival is concerned, the parties are concerned have to approach the civil Court for appropriate relief in the manner known to law. In respect of worshipping the God, no one can prevent any one to worship the God. Further, the 8th and 9th respondents also have no objection to worship the God viz., Arulmigu Kanthariamman Temple and Arulmigu Veerapathirasamy Temple situated at Sankaralingapuram village, Nallamanaickenpatti Post, Rajapalayam Taluk, Virudhunagar District by the entire villagers along with the petitioner and 10th respondents. Therefore, the 6th respondent shall ensure that the peaceful worshipping the God by the petitioner, 10th respondent and the entire villages of the said temples.

10.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Virudhunagar,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Sattur Sub Division,
Virudhunagar District.
- 3.The Tahsildar,
Rajapalayam,
Virudhunagar District.
- 4.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 5.The Deputy Superintendent of Police,
Rajapalayam Sub division,
Virudhunagar District.
- 6.The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.



7.The Sub Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.

8.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SARAVANAKUMAR, Advocate (SR-89298[F] dated
25/09/2019)

+1 CC to M/s.A.KANNAN, Advocate (SR-89151[F] dated 25/09/2019)

W.P (MD) No.13995 of 2019
24.09.2019

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