

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 03.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

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W.P. (MD) No.18891 of 2019
and
W.M.P. (MD) .No.15231 of 2019

Ponselvan

... Petitioner

Vs.

1.The District Collector

Karur District

Karur

2.The Revenue Divisional Officer

Karur District

Karur

3.The Tahsildar

Kulithalai Taluk

Karur District

4.The Assistant Superintendent of Police

Kulithalai

Karur District

5.The Inspector of Police

Lalapettai Police Station

Lalapettai

Karur District

6.The Assistant Commissioner

HR & CE Department

Karur District

Karur

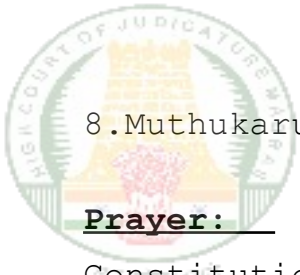
7.The Executive Officer

Kadambeeswar Kovil-Kulithalai

(In charge Sree Kanaga Thoniyamman Kovil)

Kulithalai Taluk

Karur District



8.Muthukaruppan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 7 to reconstitute the organizing committee by persons who do not support either A party or B party as per the peace committee proceeding dated 19.08.2019 issued by the 2nd respondent for conducting the temple festival at Sree Kanaga Thoniyamman Kovil, situated at Thimmachipuram, Kulithalai Taluk, Karur District.

For Petitioner : Mr.S.Gokul Raj

For Respondent Nos. 1 to 6 : Mr.R.Anandaraj
Additional Public Prosecutor

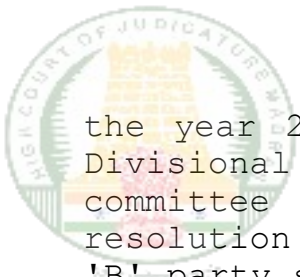
For Respondent No.7 : Mr.P.Athimoolapandian

For Respondent No.8 : G.Vijaya Maheswaran

O R D E R

This Writ Petition has been filed seeking for a direction, directing the respondents 1 to 7 to reconstitute the organizing committee by persons who do not support either A party or B party as per the peace committee proceeding dated 19.08.2019 issued by the 2nd respondent for conducting the temple festival at Sree Kanaga Thoniyamman Kovil, situated at Thimmachipuram, Kulithalai Taluk, Karur District.

2. The learned counsel for the petitioner submitted that the petitioner and the 8th respondent had conducted the above said temple festival, prior to 2015. After 2015, the 8th respondent has stated that he belongs to the majority community and therefore, he would separately conduct the festival, due to that, he created many issues and as such the festival could not be conducted for the past four years. In order to conduct the festival in the said temple, the second respondent conducted a peace committee meeting on 12.07.2019, in which, the petitioner party called as 'A' party and the 8th respondent party called as 'B' party. Both were participated in the peace committee meeting, in which, the second respondent has passed a resolution that since both 'A' and 'B' party had taken a different stand for conducting the temple festival, there will be no festival in the year 2019 and that the temple festival will be conducted in



the year 2020. Thereafter, the 2nd respondent, namely, the Revenue Divisional Officer, Karur District, Karur again conducted a peace committee meeting on 19.08.2019, in which he has passed the resolution that the 16 youth persons not from either 'A' party or 'B' party should be constituted to conduct the festival in the above said temple and the said committee in support of 'A' party should conduct the festival for the year 2019 and the same committee in support of 'B' party should conduct the festival for the year 2020; the said 16 members should be selected in consultation with 'A' and 'B' party; the festival to be conducted for three days for the year 2019-2010; the list of the organizing committee, consisting of 16 members are to be handed over on or before 21.08.2019 at about 5.00 p.m before the 2nd respondent herein and in respect of conducting festival, the said organizing committee get prior permission from the Hindu Religious and Charitable Endowment Department.

3.The learned counsel for the petitioner further submitted that 'A' party members without consulting the 'B' party namely, the petitioner herein, formed the organizing committee and included three members from 'A' party and decided to conduct the festival that too without submitting the list of organising committee members to the second respondent and without getting prior permission from the HR & CE Department. Therefore, the learned counsel for the petitioner prays before this Court that the organizing committee has to be reconstituted and the members of the organizing committee should not be from either 'A' party or 'B' party.

4.Per contra, the learned counsel for the 8th respondent submitted that with the consultation of 'A' party, the organizing committee members were formed and they decided to conduct the festival at Sree Kanaga Thoniyamman Kovil, situated at Thimmachipuram, Kulithalai Taluk, Karur District. They also collected funds and donations from the general public and with help of the villagers.

5.In this circumstance, one Mr.Alagappan filed a Writ petition on behalf of entire villagers of Thimmachipuram, Kulithalai Taluk, Karur District, in W.P.(MD).No.19177 of 2019, submitted that in the peace committee meeting which was held on 19.08.2019, they are not added as parties. Without consulting with the village members, 'A' party and 'B' party alone participated in the peace committee meeting. He further submitted that the said 'A' and 'B' parties have no any rights over the temple. Now the 8th respondent being the 'A' party alone formed the organizing committee and without getting any prior permission from the HR & CE and without submitting the list of organizing committee to the Revenue Divisional Officer, they planned to conduct festival. Further, he submitted that according to the resolution passed in the peace committee meeting dated 19.08.2019, the Revenue Divisional Officer has stated that the festival is to be conducted only for three days in the year 2019-2010, whereas, the said organizing committee collected funds and donations from the general public and they decided to conduct festival from 28.08.2019



to 07.09.2019. Further, he submitted that the writ petition in W.P. (MD).No.19177 of 2019 was adjourned to 05.09.2019.

6.The learned counsel for the Hindu Religious and Charitable Endowment Department, namely the respondent Nos.6 and 7 herein, submitted that the temple festival and administration at Sree Kanaga Thoniyamman Kovil, situated at Thimmachipuram, Kulithalai Taluk, Karur District is coming under the purview of HR & CE Department and the said department administered the said temple. He further submitted that the Revenue Divisional Officer without adding the HR & CE as a party, conducted the peace committee meeting, wherein, it is resolved that A and B parties have to form organizing committee consisting of 16 members; they have to submit the list of organizing committee members before the Revenue Divisional Officer and they have to obtain permission from the HR & CE department for conducting festival in the above said temple. Per contra, now 'A' party alone formed the organizing committee that too without submitting the list of organizing committee members and without getting any prior permission from the HR & CE department and they themselves decided to conduct the festival for the above said temple from 28.08.2019 to 07.09.2019.

7.At this juncture, the learned Additional Public Prosecutor appearing for the respondent Nos. 1 to 6 submitted that there was a dispute between the 'A' party and the 'B' party in respect of conducting the festival at Sree Kanaga Thoniyamman Kovil, situated at Thimmachipuram, Kulithalai Taluk, Karur District. In this regard, the 2nd respondent has conducted the peace committee meeting, in which, the following resolution has been passed;

- (i) the 'A' and 'B' party shall form the organizing committee, consisting of 16 members, in which, the 'A' and 'B' party members shall not be included.
- (ii) the festival to be conducted only for three days in the year 2019-2020.
- (iii) before conducting festival, the organizing committee members have to get prior permission from the Hindu Religious and Charitable Endowment Department.

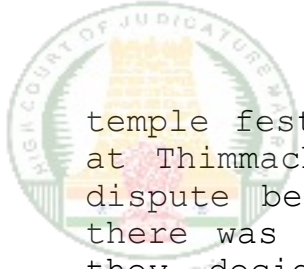
8.The learned Additional Public Prosecutor further submitted that after the resolution passed in the peace committee meeting, 'A' party alone formed the committee and decided to conduct the festival from 28.08.2019 to 07.09.2019.

9. Heard the rival submissions and perused the materials available on record.

10.This writ petition has been filed seeking for a direction, directing the respondents 1 to 7 to reconstitute the organizing committee, which was formed, as per the peace committee meeting proceedings dated 19.08.2019 issued by the second respondent herein.

<https://hcservices.ecourts.gov.in/hcservices/>

11.Admittedly, there are two rival groups for conducting the



temple festival situated at Sree Kanaga Thoniyamman Kovil, situated at Thimmachipuram, Kulithalai Taluk, Karur District. There was a dispute between themselves from the year 2016 onwards and hence, there was no festival conducted in the village. In the year 2019, they decided to conduct the festival and as such the second respondent conducted the peace committee meeting on 19.08.2019, wherein, he has resolved that 'A' party and 'B' party shall form the organizing committee consisting of 16 members; the said members shall not be from the 'A' party or 'B' party; after forming the organizing committee, they have to send a list of members to the Revenue Divisional Officer, Karur District and thereafter, they have to obtain prior permission from the HR & CE Department to conduct the festival that too for three days only. On perusal of records show that 'A' party themselves formed the organizing committee and decided to conduct the festival from 28.08.2019 to 07.09.2019. They have also collected donations from the general public to conduct the festival.

12.Further, it is seen that the petition in W.P(MD).No.19177 of 2019 has been filed by one Mr.Alagappan, on behalf of the entire villagers of Thimmachipuram before the Hon'ble Division Bench of this Court, in which he stated that while conducting the peace committee meeting, the Revenue Divisional Officer never called the villagers for expressing their views and therefore, he filed the said writ petition and it was adjourned to 05.09.2019. He further submitted that the said temple is under the purview of HR & CE Department. In the peace committee meeting, it is resolved that the organizing committee should obtain prior permission from the HR & CE department to conduct the festival in the above said temple. But, the 8th respondent without consulting the petitioner's party formed the organizing committee and decided to conduct the festival from 28.08.2019 to 07.09.2019.

13.Considering the above facts and circumstances of the case, the petitioner is directed to submit the representation for reconstitution of organizing committee before the Joint Commissioner, HR & CE Department, Trichy forthwith and on such representation, the Joint Commissioner, HR & CE, Trichy is directed to conduct the enquiry after issuing notice to the petitioner's party; 8th respondent's party and the petitioner in W.P(MD).No.19177 of 2019 and pass orders on merits and in accordance with law, after giving opportunity of hearing to all the parties, within a period of four weeks from the date of representation of the petitioner. Till the out come of the enquiry conducted by the joint commissioner, HR & CE, Trichy, no one is permitted to conduct any festival at Sree Kanaga Thoniyamman Kovil, situated at Thimmachipuram, Kulithalai Taluk, Karur District.

14.Registry is directed to issue copy of this order to the Joint Commissioner, HR & CE, Trichy, forthwith.

<https://hcservices.ecourts.gov.in/hcservices/>

15.With the above directions, this Writ Petition is disposed



of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P AND A)

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// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector

Karur District

Karur

2.The Revenue Divisional Officer

Karur District

Karur

3.The Tahsildar

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6.The Assistant Commissioner

HR & CE Department

Karur District

Karur

7.The Additional Public Prosecutor

Madurai Bench of Madras High Court

Madurai

Copy to:

The Joint Commissioner,

HR and CE, Trichy.

<https://hcservices.ecourts.gov.in/hcservices/>

+1 CC to M/s.S. GOKULRAJ, Advocate (SR-84981[F] dated 04/09/2019)



+1 CC to M/s.G. VIDHYAMAHESWARAN, Advocate (SR-85028[F] dated 04/09/2019)

+1 CC to M/s.P. ATHIMOOLA PANDIAN, Advocate (SR-85060[F] dated 04/09/2019)

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W.M.P. (MD) .No.15231 of 2019

Dated: 03.09.2019.

KK/SAR/04.09.2019/7P-12C/