



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2019

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P (MD) No.20453 of 2019

Chermadurai Nadar

... Petitioner

Vs

1.The Superintendent of Police,
Tuticorin District,
Tuticorin.

2.The Inspector of Police,
Sathankulam Police Station,
Sathankulam,
Tuticorin District.

3.Thangadurai Nadar

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issuance of a Writ of Mandamus, directing the 2nd respondent to give permission and police protection to the performances of the Kodai festival from 29.09.2019 to 02.10.2019 at Mutharamman temple, Keelakulam, Sathankulam Taluk, Tuticorin District.

For Petitioner : Mr.T.Vadivelan

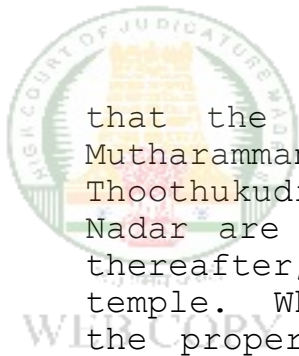
For Respondents : Mr.R.Anandharaj, APP for RR1 & 2

Mr.Pon.Karthikeyan for R3

O R D E R

This petition has been filed for a writ of Mandamus, directing the 2nd respondent to give permission and police protection to the performances of the Kodai festival from 29.09.2019 to 02.10.2019 at Mutharamman temple, Keelakulam, Sathankulam Taluk, Tuticorin District.

<https://hcservices.courtservice.in/hcservices/> 2. The learned counsel appearing for the petitioner would submit



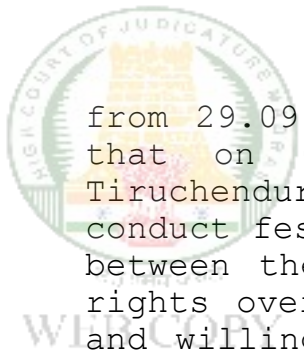
that the petitioner is a Trustee and Dharmakatha of Arulmigu Mutharamman Temple situated in Keelakulam, Sathankulam Taluk, Thoothukudi District. Originally Thangappan Nadar and Sembulinga Nadar are the founders and they managed the temple till 1982 and thereafter, from 1983 onwards, the petitioner is managing the said temple. While being so, the third respondent is claiming right over the property and causing nuisance during the performance of the temple festival. In this regard, the 3rd respondent filed a suit in O.S.No.117 of 2014 on the file of the District Munsif, Sathankulam and the same is dismissed vide order dated 09.08.2017. Even then, the third respondent is disturbing the celebration of the temple festival. In fact, the third respondent also filed W.P.(MD) No.17240 of 2017 to get the key of the temple from the petitioner and hand over the same to him. However, the same was dismissed as withdrawn by order dated 26.06.2019. Thereafter, he lodged a complaint before the 2nd respondent seeking permission to conduct the festival and it is pending for consideration and the 2nd respondent neither conducted any enquiry on the complaint nor gave any permission to conduct the festival. Therefore, he approached this Court.

3.The learned counsel appearing for the 3rd respondent would submit that there are disputes in respect of rights over the temple, who conducted festival. Though the suit filed by the 3rd respondent was dismissed by order dated 09.08.2017, that could not confer any right to the petitioner to conduct any festival in the temple. He further submitted that already on 05.02.2016, the Revenue Divisional Officer, Tiruchendur conducted enquiry in this regard and concluded that each party has to conduct the temple festival in the alternative years. Thereafter, in the year 2016, the petitioner conducted the festival and in the year 2017, when the third respondent about to conduct the festival, the petitioner denied them to conduct any festival. Now, the petitioner alone wants to conduct the temple festival without giving any right to the third respondent.

4.The learned Additional Public Prosecutor submitted that as per the orders passed by the Revenue Divisional Officer, Tiruchendur dated 05.02.2016, the petitioner as well as the third respondent are not conducting festival in the temple and both the parties are not willing to go abide by any terms and conditions imposed by the 2nd respondent.

5.Heard the respective learned counsel appearing for the petitioner and the third respondent as well as the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

6.There are disputes between the petitioner and the 3rd respondent herein in respect of conducting the festival in the temple viz., Mutharamman Temple situated at Keelakulam, Sathankulam District for the Kodai festival to be conducted



from 29.09.2019 to 02.10.2019. On a perusal of the records shows that on 05.02.2016, already, the Revenue Divisional Officer, Tiruchendur conducted enquiry, in which, both the parties agreed to conduct festival in alternative years. No doubt, there are disputes between the petitioner and the third respondent in respect of the rights over the temple and as such, again, both of them are ready and willing to go before the Revenue Divisional Officer for fresh enquiry.

7.Considering the said facts and circumstance of the case, the 2nd respondent is directed to forward the complaint immediately to the Revenue Divisional Officer, Tiruchendur for fresh enquiry and on receipt of the same, the Revenue Divisional Officer, Tiruchendur is directed to conduct an enquiry with the petitioner as well as the 3rd respondent, after giving opportunity of being heard to them and pass orders thereon, on merits and in accordance with law, within a period of four weeks from the date of receipt of the complaint from the 2nd respondent.

8.With the above observation and direction, this criminal original petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Superintendent of Police,
Tuticorin District,
Tuticorin.
- 2.The Inspector of Police,
Sathankulam Police Station,
Sathankulam,
Tuticorin District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to:

The Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.

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+1 CC to M/s.T.VADIVELAN, Advocate (SR-88997[F] dated 24/09/2019)

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-89088[F] dated
25/09/2019)

Order made in
W.P (MD) No.20453 of 2019
24.09.2019

JMN(26.09.2019) 4P : 7C