



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2019

CORAM

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

W.P. (MD)No.21109 of 2019
and
W.M.P. (MD)No.17753 of 2019

K.Sakkarai

... Petitioner

Vs.

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Aruppukkottai Division,
Aruppukkottai,
Virudhunagar District.
- 3.The Deputy Superintendent of Police,
Tiruchuli Range,
Virudhunagar District.
- 4.The Sub Inspector of Police,
Paralachi Police Station,
Aruppukkottai Taluk,
Virudhunagar District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India praying to call for the records relating to the impugned order passed by the 4th respondent in Ref.No.Na.Ka.No.08/B9PS/TCL/19, dated 25.09.2019 and to quash the same and direct the 4th respondent to permit the Nayakkar Community people of Thoppalakarai Village to conduct Purattasi festival relating to Sri Pattaththarasi Amman Koil and Ayyanar Koil situated in Thoppalakkarai Village on 08.10.2019 and 09.10.2019.

For Petitioner	: Mr.D.Sivaraman
For Respondents	: Mr.R.Aanandharaj
	Additional Public Prosecutor
	Mr.G.Mariappan,
	for rival party



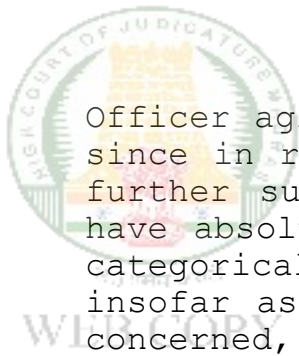
O R D E R

This petition has been filed to call for the records relating to the impugned order passed by the 4th respondent in Ref.No.Na.Ka.No.08/B9PS/TCL/19, dated 25.09.2019 and to quash the same and direct the 4th respondent to permit the Nayakkar Community people of Thoppalakkarai Village to conduct Purattasi festival relating to Sri Pattaththarasi Amman Kovil and Ayyanar Koil situated in Thoppalakkarai Village on 08.10.2019 and 09.10.2019.

2. The learned counsel for the petitioner would submit that the petitioner is one of the representatives of Rajakambala Nayakkar Community people living in Thoppalakkarai Village, Aruppukkottai Taluk, Virudunagar District. In their Taluk there are also multi community villages, where people belong to several castes are living. There are two temples in the said village, namely, Veera Jakkammal @ Sri Pattaththarasi Amman Koil, which is exclusively belongs to the petitioner's community of Thoppalakkarai village. In respect of the other temple, namely, Sri Renga Naachi Amman @ Irangu Muthamman Temple of Thoppalakkarai village belongs to other communities except the petitioner's community. There is a dispute in respect of Sri Renga Naachi Amman @ Irangu Muthamman Temple with regard to conducting of festival between all the groups. Therefore, the Revenue Divisional Officer, namely, the second respondent conducted peace committee meeting, in which, the second respondent recorded that both groups were not agreeing to conduct festival in peaceful manner in respect of Sri Renga Naachi Amman @ Irangu Muthamman Temple. Unfortunately, the petitioner's temple was also included in the said proceedings.

3. The learned counsel for the petitioner further submitted that the other community people represented by one Solaiappan in respect of Sri Renga Naachi Amman @ Irangu Muthamman Koil filed a suit in O.S.No.113 of 2018 on the file of the Principal District Munsif Court, Aruppukkottai, for declaration declaring the plaintiff as a hereditary trustee of the the said temple, namely, Sri Renga Naachi Amman @ Irangu Muthamman Temple belongs to their community as per the retistered trust deed dated 30.05.2018. But sought for injunction as against the defendants, namely, the petitioners and others restraining them from interfering with the administration of Sri Renga Naachi Amman @ Irangu Muthamman Temple and the said suit was dismissed and also they preferred an appeal in CMA.No.3 of 2018 on the file of the District Munsif Court, Aruppukkottai and it is pending.

4. In the meanwhile, to celebrate Purattasi festival in respect of the temple, namely, Sri Veera Jakkammal @ Sri Pattaththarasi Amman Temple of Thoppalakkarai village, the petitioner sought for permission from the 4th respondent and the same was rejected for the reasons that the parties appeared before the Revenue Divisional



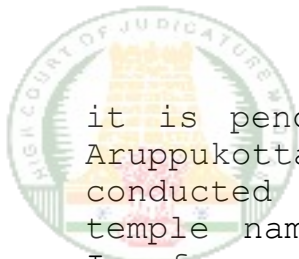
Officer agreed not to celebrate any function or any temple festival since in respect of the same temple, a civil suit is pending. He further submitted that insofar as their temple is concerned, they have absolutely no issues with the counterpart. Since there was a categorical averment in the plaint in O.S.No.113 of 2018 that insofar as the Veera Jakkammal @ Sri Pattattharasi Amman Temple is concerned, the petitioner and his community people are worshipping the said temple and they are entitled to do all festival and administration. Without considering the same, the 4th respondent rejected their request for permission to conduct Puratasi festival to be held on 08.10.2019 and 09.10.2019.

5. The learned Additional Public Prosecutor appearing for the respondents submitted that in the peace committee meeting conducted by the second respondent, the petitioner as well as the counterpart were present and they themselves submitted before the Revenue Divisional Officer that till the outcome of the civil suit in O.S.No.113 of 2013, they will not conduct any festival for Sri Pattaththarasi Amman Koil and Ayyanar Koil. On the basis of the said report, their request for permission was rightly rejected by the 4th respondent.

6. The learned counsel for the counterpart namely for one Malairajan representing the other communities in respect of Sri Renga Naachi Amman Irangu Muthamman Temple represented that they filed a suit in O.S.No.113 of 2018 in respect of Sri Renga Naachi Amman Irangu Muthamman Temple and it is pending. In respect of Veera Jakkammal @ Sri Pattatharasi Amman Koil, the petitioner and his community people are the administrators and also they have entire right over the temple to conduct festival. Further, he contended that they may be permitted to conduct Purattasi festival on condition that they should not have any procession for the said festival and should not use any fire crackers and without causing any disturbance to other general public.

7. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and also the the rival parties and perused the materials available on record.

8. This Writ Petition is filed challenging the impugned order passed by the 4th respondent, thereby, rejecting the permission to conduct Purattasi festival for Sri Pattaththarasi Amman Koil and Ayyanar Koil to be conducted on 08.10.2019 and 09.10.2019 situated at Thopalakarai village, Aruppukottai Taluk. The petitioner is representing on behalf of Rajakambala Nayakkar Community and the counterpart is representing on behalf of the other community. Admittedly, both are having separate temples, namely, Veera Jakkammal @ Sri Pattaththarasi Amman Kovil belong to the petitioner's community and Sri Renga Naachi Amman @ Irangu Muthamman Temple belongs to the counterpart community. There is a dispute in respect of Sri Renga Naachi Amman Irangu Muthamman temple and the counterpart filed a suit in O.S.No.113 of 2019 for declaration and



it is pending on the file of the learned District Munsif Court, Aruppukottai. It is also seen that peace committee meeting was conducted by the second respondent in respect of the counterpart temple namely Sri Renga Naachi Amman @ Irangu Muthamman Temple. Insofar as the petitioner's temple is concerned, there is no dispute between the petitioner and the counterpart. Now, the learned counsel, who appears on behalf of the counterpart has no objection to conduct Purattasi festival in Sri Pattaththarasi Amman Koil and Ayyanar Koil situated at Thopalakarai, Aruppukottai Taluk on condition that there should not be any procession and fire crackers.

9. The learned Additional Public Prosecutor appearing for the respondents submitted that if there is no issue between the petitioner and the counterpart, the respondent police is ready to permit the petitioner to conduct Purattasi festival insofar as Sri Pattaththarasi Amman Koil and Ayyanar Koil.

10. Considering the above facts and circumstances of the case, the impugned order passed by the 4th respondent is set aside and the 4th respondent is directed to permit the petitioner to conduct Purattasi festival for Sri Pattaththarasi Amman Koil and Ayyanar Koil situated at Thopalakarai village, Aruppukottai Taluk to be conducted on 08.10.2019 and 09.10.2019 by imposing certain conditions in the manner known to law.

11. Further the petitioner should not conduct any procession for Sri Pattaththarasi Amman Koil and Ayyanar Koil and should not use any fire crackers during the festival and should not create any nuisance to the general public.

12. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar

To

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

2.The Revenue Divisional Officer,
Aruppukkottai Division,
Aruppukkottai,
Virudhunagar District.



3.The Deputy Superintendent of Police,
Tiruchuli Range,
Virudhunagar District.

4.The Sub Inspector of Police,
Paralachi Police Station,
Aruppukkottai Taluk,
Virudhunagar District.

+2 CC to M/s.D. SIVARAMAN, Advocate (SR-90760[F] dated 01/10/2019

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and
W.M.P. (MD)No.17753 of 2019
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MS/04.10.2019/5P.7C