



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16.03.2020

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

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WP (MD) No. 4455 of 2020

H.Thangapandi

: Petitioner

Vs.

1.The District Collector,
Office of the Collectorate,
Dindigul District,
Dindigul.

2.The Superintendent of Police,
District Police Office,
Dindigul District,
Dindigul.

3.The Inspector of Police,
Vilampatti Police Station,
Vilampatti, Nilakottai Taluk,
Dindigul District, Dindigul.

4.Tmt.V.S.Thripurasundari,
Hereditary Trustee,
Arulmiku Muthalamman Temple,
Vilampatti.

5.The Executive Officer,
Arulmiku Muthalamman Temple,
Vilampatti,
Nilakottai Taluk,
Dindigul District.

: Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 1 to 3 to give adequate Police Protection while conducting Panguni festival at Arulmiku Muthalamman Temple situated at Vilampatti Village, Nilakottai Taluk, Dindigul District, from 07.04.2020 to 11.04.2020 on the basis of the petitioner's representation dated 12.02.2020.

For Petitioner

: Mr.R.Sureshkumar

For R1 to R3

: Mr.A.P.G.Ohm Chairma prabhu
(Government Advocate (Crl Side))For 4th respondent

: Mr.C.Sasikumar

For 5th respondent

: Mr.M.Muthugeethayan

**ORDER**

This Writ Petition has been filed to direct the respondents 1 to 3 to give adequate police protection while conducting Panguni festival at Arulmiku Muthalamman Temple situated at Vilampatti Village, Nilakottai Taluk, Dindigul District, from 07.04.2020 to 11.04.2020 on the basis of the petitioner's representation, dated 12.02.2020.

2. Heard the learned counsel appearing for the respective parties.

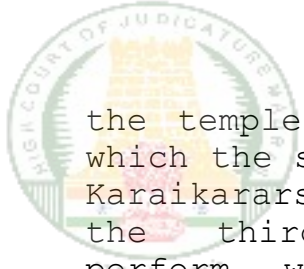
3. The dispute herein appears to have assumed an annual feature. There is a certain temple known by its name, Arulmighu Muthalamman Temple.

4. The fourth respondent herein has been declared as Hereditary Trustee in the year 2016 by the proceedings of the Joint Commissioner of HR & CE Department. There are certain functions/celebrations associated with the Temple, which are performed by 14 Karaikarars. One of the Karaikarars come before this Court seeking permission to perform the Panguni Festival from 07.04.2020 to 11.04.2020.

5. On an earlier occasion, when the fourth respondent was declared as a Hereditary Trustee by the Statutory Authority, there has been some differences among the Karaikarars and the Hereditary Trustees and finally, it culminated in a peace fact arrived during a peace meeting conducted by the Revenue Divisional Officer, Dindigul. This peace arrangement consists of 37 clauses and it is arrived on 07.04.2015. In the following year, in 2016, another Karaikarar had moved this Court in W.P(MD)No.6111 of 2016 and this Court had adopted the peace fact of the earlier Order, dated 07.04.2015 referred to above and further directed the respondents to give police protection for the conduct of the festival in the said temple. This year is yet another year. But the controversy continues to haunt the parties if not but temple.

6. In the ultimate analysis, this is an issue, which in all fitness ought to have been a non-issue, that does not deserve a visit to this court for a resolution. There are 14 Karaikarars. Their right to conduct festival, celebrations or any such religious practises associated with temple has not been denied or disputed. On the other hand, unlike the earlier occasions, the right of the 4th respondent as Hereditary Trustee has now been recognized by the proceedings of the Joint Commissioner dated 06.03.2016. This finds a mentioning in the order of this Court, dated 14.06.2016 in W.A(MD) No.862 of 2016. The same would also be repeated this year.

7. Having said that, in order to ensure that all the parties on both sides to understand the respective duties and obligations to



the temple and to show their responsibility to preserve peace to which the society is entitled to, it is now directed that all the 14 Karaikarars shall give an undertaking to the Inspector of Police, the third respondent herein, that whatever religious practises perform, will be conducted peacefully and the organisers thereof shall take responsibility for the peaceful conduct of such practices in the temple. The Hereditary Trustee shall pay her role as Trustee in the conduct of all these functions and celebrations and she will also give an undertaking that she would not interfere such religious practices and customary practices associated therewith for which the Karaikarars are entitled to, as long as it does not conflict with her right as the Hereditary Trustee. The copy of the undertaking is directed to be given to the Executive Officer and the Inspector of Police, the third respondent herein.

8.It is unfortunate that the Court has to separate the warring parties to the specific zone of operation, all for worshipping, which is meant to spread peace to the society. This court only requires the parties herein to consider it as an insult to them that they should come to this Court seeking permission for offering prayers or performing their practices. This Court only wishes that the parties be engaged in better business rather than visiting this Court yet another time.

9.The fifth respondent, the Executive Officer will be in overall in-charge of the entire function. He will play a neutral role and in case he perceives that any law and order situation arising, he may approach the police to provide protection.

With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

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Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Office of the Collectorate,
Dindigul District,
Dindigul.
- 2.The Superintendent of Police,
District Police Office,
Dindigul District,
Dindigul.



3.The Inspector of Police,
Vilampatti Police Station,
Vilampatti, Nilakottai Taluk,
Dindigul District.

4.Tmt.V.S.Tripurasundari,
Hereditary Trustee,
Arulmiku Muthalamman Temple,
Vilampatti, Madurai-18.

5.The Executive Officer,
Arulmiku Muthalamman Temple,
Vilampatti,
Nilakottai Taluk,Dindigul District.

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

+2 CC to M/s.C.SASIKUMAR, Advocate (SR-11737[F] dated 16/03/2020)

+1 CC to M/s.M.MUTHUGEETHAYAN, Advocate (SR-11950[F] dated
17/03/2020)

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