



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 10.03.2020  
CORAM

THE HONOURABLE **MR. JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR. JUSTICE C.SARAVANAN**

W.A(MD)No.381 of 2020  
and  
C.M.P. (MD)No.2674 of 2020

D.Balasubramanian

... Appellant

Vs.

1.Prabhu Nambiappan

2.The Commissioner,  
HR & CE Department,  
No.119, Uthamar Gandhi Salai,  
Nungambakkam, Chennai - 34.

3.The Joint Commissioner,  
HR & CE Department,  
Srinivasa Nagar, Thiruvanaikovil,  
Trichy -5, Trichy District.

4.The Executive Officer (EO),  
(For TM025868 - Achiramavalli Amman Kovil  
Jengamarajapuram),  
Lalgudi, Lalgudi Taluk, Trichy District.

5.The Tahsildar,  
Taluk Office,  
Lalgudi, Trichy District.

... Respondents

**Prayer:** Writ Appeal filed under Clause 15 of the Letter Patent to set aside the order of this Court in W.P.(MD)No.3582 of 2020, dated 26.02.2020.

**Prayer in WP(MD). 3582/ 2020 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the respondents to consider the petitioner representation dated 27.12.2019 and to take appropriate steps for conducting the car festival of Shri Achiramavalli Amman Thirukovil, Jengamarajapuram, Lalgudi Tk, Trichy District at least the forthcoming Masi (2020) Month in accordance with the temple traditions and customs.



For Appellant :Ms.A.Mohana

For R1 :Mr.Susanna Prabhu

For R2 to R4 :Mr.VR.Shanmuganathan

Special Government Pleader

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**JUDGMENT**

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

This Writ Appeal is directed against the order passed by the learned Single Judge in W.P(MD)No.3582 of 2020, dated 26.02.2020.

2.The appellant in this appeal is a third party to the Writ Petition. The first respondent in this appeal has filed the Writ Petition for issuing a Writ of Mandamus to direct the respondents in the Writ Petition to consider the representation of the petitioner / first respondent herein, dated 27.12.2019 and to take appropriate steps for conducting Car Festival of Sri Achiramavalli Amman Thirukovil, Jengamarajapuram, Lalgudi, Lalgudi Taluk, Trichy District.

3.Even in the Writ Petition, it is admitted that the Car Festival in the temple is conducted in the Tamil month of "Masi" and that unfortunately, the festival was not celebrated from 1994 for some problem raised by the persons, belonging to the appellant's community, who wanted the temple car procession through their street. We are not going into the merits of respective contentions of either parties elaborately, in view of the nature of order, we propose to pass in this appeal.

4.The third respondent in the Writ Petition and the fourth respondent in this appeal is the Executive Officer of the temple, who is in-charge of the temple taking care of the entire administration of the temple in respect of secular and non-secular activities of the temple. The writ petitioner has not impleaded the appellant, even though it is admitted that the temple car festival is not conducted from 1994 on account of some objections raised by the members of appellant's community in 1994.

5.The learned Counsel for the first respondent submitted that the first respondent has donated a "Wooden Horse Vahanam", which is meant for using at "Urchavam". Though this "Vahanam" was donated way back in 2007, it is the grievance of the first respondent that the Vahanam was not used so far, as there was no car procession from 1994. It is admitted that the "Kumbhaabishekam" of the temple was conducted in January'2018 with the full participation of all public without any discrimination. The learned Counsel for the first respondent / writ petitioner submitted that the practice followed along along while conducting the whole "Masi Festival" was



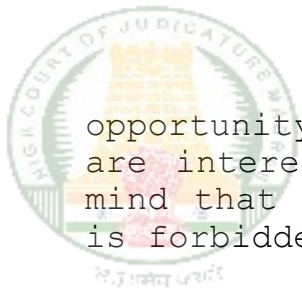
circulated and that there is no discrimination shown against any community and each one of the community is given their part in the whole festival.

6.The grievance of the appellant is that the temple car is not brought to the streets, where the appellant's community people are living or residing. By letter, dated 14.02.2007, the appellant along with his community men has given a representation to the Executive Officer of the temple expressing their no objection for conducting car festival, if the temple car is stopped at their "Mandagapadi" in a particular street, as a mark showing respect to the sentiments of the appellant and their community men. The learned Counsel for the first respondent has no serious grievance, if the temple car is taken through any one of the streets, where, the appellant's community people are living. The festival has commenced pursuant to the order in the Writ Petition and the temple car is supposed to be moved today. This Court has no reason to interfere at this stage.

7.To create a conducive atmosphere, which may also pave way for celebrating the festival with the full participation of all communities and to avoid any one to feel that they are discriminated, the learned Counsel for the first respondent also agreed that this year festival can be celebrated by taking the temple car through any one of the streets suggested by the appellant and approved by the Executive Officer of the temple.

8.The learned Single Judge has directed the fourth respondent in this appeal to ensure that the festival is conducted periodically without stopping it for unnecessary reasons. The fourth respondent was further directed to take immediate action for the conduct of the said festival with liberty to avail police protection, if necessary for the smooth conduct of the festival. This Court do not interfere with the order of the learned Single Judge in any respect. However, the Executive Officer is directed to get the suggestion of the appellant to take the car to any one of the streets, wherein the appellant's community people are living, this year to promote harmony and spread common brotherhood among the people living in the village. Out of the few streets that may be suggested by the appellant, it is open to the Executive Officer to take a decision to take the car through any one of the streets giving minimum of two hours time for the temple car to travel through the street on any day of the festival.

9.With these observations, this Writ Appeal is disposed of. It is open to the appellant to approach the authorities under HR & CE Department in terms of Section 25 of HR & CE Act 1959 to seek appropriate relief for taking the temple car through any of the few streets of appellant's community in future. When such request is made, the same shall be decided under the Act, after giving



opportunity to the first respondent as well as any other persons who are interested. The authorities shall take a decision keeping in mind that untouchability is abolished and its practice in any form is forbidden under Article 17 of Constitution of India.

10.The conduct of the festival should be in tune with a decision that may be taken by the HR & CE Department from next year. This order is passed by consent of both parties and this consent is for this year and it shall not take as precedent, as we have not considered the issues that are raised or may be raised by other people, who are interested in the matter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Commissioner,  
HR & CE Department,  
No.119, Uthamar Gandhi Salai, Nungambakkam, Chennai - 34.

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Taluk Office, Lalgudi, Trichy District.

+1 CC to M/s.A.MOHANA, Advocate ( SR-10842[F]  
+1 CC to M/s.SUSANNA PRABHU, Advocate ( SR-10952[F]  
+1 CC to M/s.Special Govt.Pleader ( SR-10995[F]

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10.03.2020

cmr

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