



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

W.P(MD)No.12425 of 2020

K.Palaniandavar

... Petitioner

Vs.

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

2. The Inspector of Police,
Narikudi,
Virudhunagar District.

3.The Sub-Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to grant protection for the peaceful conduct of festival including Puravi Edapu at Sree Kaveri Ayyanar Kovil, Alagunatchiamman Temple and Pandi Vinayagar Temple from 29.09.2020 to 06.10.2020 at V.karisalkulam Village, Thiruchuli Taluk, Virudhunagar District.

For Petitioner : Mr.R.Karthikeyan

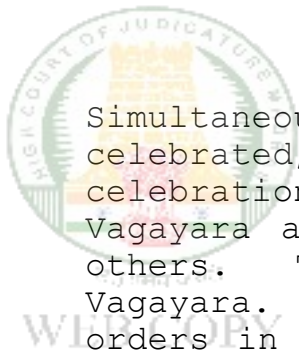
For Respondents : Mr.S.Chandra Sekar
Addl.Public Prosecutor

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to grant protection for the peaceful conduct of festival, including 'Puravi Edapu' at 'Sree Kaveri Ayyanar Kovil', 'Alagunatchiamman Temple' and 'Pandi Vinayagar Temple' from 29.09.2020 to 06.10.2020 at V.Karisalkulam Village, Thiruchuli Taluk, Virudhunagar District.

2. The case of the petitioner is that the petitioner is the resident of V.Karisalkulam Village in which, there are three main Village temples situated in the name of "Sree Pandi Vinayagar Temple", "Sree Kaveri Ayyanar Temple" and "Sree Alagu Natchi Amman Temple". All the three temples are in existence for several decades and worshiped by the villagers. Further, for the past several years, the Velar Community people are doing Poojari work, including the Puratasi Month Festival.

3. In every year, in the Tami month of Puratasi, an 'Urchavam' and 'Puravi Eduppu' are celebrated in respect of 'Ayyanar Temple'.

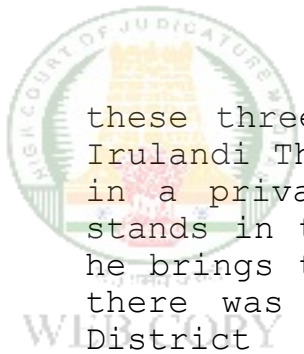


Simultaneously, all the above three temple festivals were celebrated, as per the rituals followed every year. The said celebrations have been conducted by Periyandi @ Irulandi Thevar Vagayara and Poiyaru Pichai Thevar Vagayara (Ambala Pathiyam) and others. The petitioner is the legal heir of Poiyaru Pitchai Tehvar Vagayara. Previously, this Court, while at the time of passing orders in W.P.(MD)No.15860 of 2014, W.P.(MD)No.16712 of 2015, W.P.(MD)No.16189 of 2016, W.P.(MD)No.16670 of 2017, W.P.(MD)No.18534 of 2018 and as well as in W.P.(MD)No.20827 of 2019, had granted permission for conducting the temple festival. In fact, the said Writ Petitions have been filed only by the family members of the petitioner.

4. The further case of the petitioner is that for this year, the Puratasi function is forthcoming from 29.09.2020 to 06.10.2020 and in order to celebrate the same, steps have been taken by the petitioner. Though the representation, dated 16.09.2020 was submitted by the petitioner to the respondents, they have not given any assurance for granting police protection for conducting the temple festival. In usual, during the time of above referred festival, the villagers, including those who are settled outside the village, had also participated due to the faith having by them on the deity. In fact, an attempt made by some individuals to claim the title over the temple land itself had been rejected by the Revenue Authorities, since the revenue documents are in the name of Vellar Community. The petitioner gave an assurance that there was no 'Adal Padal' or other 'Cultural programmes' will be conducted in this year and the temple festival will be conducted, as per the customary procedure only .

5. In the year of 2019, one Kothandaraman had filed a Writ Petition in W.P.(MD)No.19558 of 2019 praying permission for conducting the temple festival from 23.09.2019 to 01.10.2019. In fact, the said Kothandaraman never conducted any such festival in the past and only to create litigation, he has filed the petition and hence, this Court disposed both the Writ Petitions, which includes the petition filed by the petitioner, by directing 4th respondent viz., the Revenue Divisional Officer, Aruppukottai, Virudhunagar District , to decide the issue by conducting a Peace Committee Meeting. Thereupon, in the Peace Committee Meeting, both the parties have participated, except the said writ petitioner viz., Kothandaraman. However, the previous year temple function was peacefully conducted and therefore, the petitioner prays to allow this Writ Petition by directing the respondent police to give police protection for the celebration of the temple festival.

6. In response to the submission made by the learned counsel appearing for the petitioner, Mr.S.Chandrasekar, the learned Additional Public Prosecutor appearing for the respondents 1 to 3, on instructions, would submit that the alleged three temples did not



these three temples belonged to Poyaru Pitchai Thevar Vagayara and Irulandi Thevar Vagaiyara ie., a private temple and they are located in a private land in S.F.No.21/11A and 21/18 and the patta also stands in the name of one Irulandi Thevar and Mahalingam. However, he brings to the notice of this Court that already due to COVID-19, there was an order under Section 144 of Cr.P.C., issued by the District Magistrate / District Collector in Proceedings No.C1/620/2020 and also he brought the knowledge about the G.O.(Ms) No.447, issued by Revenue and Disaster Management (D.M.IV) Department, dated 31.08.2020. In otherwise, he fairly conceded that in earlier occasions, the Revenue Divisional Officer conducted Peace Committee Meeting and thereafter, the temple festival had been conducted, after adopting all ritual formalities.

7. Upon considering the arguments advanced by either side, it is not in dispute that in earlier occasions, every year the petitioner had filed a similar Writ Petition for the relief, which prayed now, through this Writ Petition, and thereafter, this Court, directed the concerned Revenue Divisional Officer, to conduct a Peace Committee Meeting and take a decision in respect to the prayer sought for by the petitioner.

8. On a careful reading of the petition averments, it is very clear that apart from the petitioner, some rival groups had also claiming the right over the temple, which is situated in the petitioner's village. More than that, due to COVID-19, vide G.O. (Ms)No.447, the Government allowed these types of activities only upto certain level and the relevant portion of the Government Orders reads as follows:-

" ii. All religious places / places of worship across the State shall be allowed for public worship. The Standard Operating Procedure for this will be released by the Government. Further, the maximum number of devotees permitted for darshan per day shall be fixed and limited number of persons only shall be permitted inside the religious places / places of worship and Sanctum Santorum at a single point of time for darshan. Public worship will be allowed in religious places / places of worship only upto 8.00 P.M."

9. In the said circumstances, if any positive order, as prayed for by the petitioner, is passed that may lead to a further confusion in celebrating the temple festival. Therefore, it would appropriate to issue some directions to the respondent police and also to the Revenue Divisional Officer, Aruppukottai, Virudhunagar District.

10. Accordingly, the 2nd respondent is directed to forward the representation given by the petitioner to the Revenue Divisional Officer, Aruppukottai, Virudhunagar District forthwith. On receipt

Virudhunagar

Assistant Registrar (AD I)

/ /2020
Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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

2. The Inspector of Police,
Narikudi,
Virudhunagar District.

3.The Sub-Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.

4.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District

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

+1 CC to M/s.R. MURALI, Advocate (SR-18007[F] dated 24/09/2020)

W.P (MD) No.12425 of 2020
23.09.2020

<https://hosevicesse.com.sg> **KK(24.09.2020) 4P 7C**