



WEB COPY

W.A.(MD)No.976 of 2020 and W.P.(MD)No.14212 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.10.2020

CORAM

THE HON'BLE Mr. JUSTICE N.KIRUBAKARAN

AND

THE HON'BLE Mr. JUSTICE B.PUGALENDHI

W.A. (MD)No.976 of 2020

&

C.M.P. (MD)No.5304 of 2020

and

W.P. (MD)No.14212 of 2020

&

W.M.P. (MD)Nos.11867 and 11868 of 2020

W.A. (MD)No.976 of 2020:-

S.P.Vellaichamy

.. Appellant/3rd Party

Vs.

1.A.Parameswaran

..1St Respondent

2.The District Collector,
District Collector Office,
Dindigul.

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

4.The District Revenue Officer,
District Revenue Office,
Dindigul.

5.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.

6.The Takkar / Executive Officer,
Arulmighu Sri Periya Muthalamman Kovil,
Ayyamapalayam,
Dindigul District.

7.The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.

8.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.

.. Respondents



Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 13.10.2020, made in W.M.P.(MD)No.11868 of 2020 in W.P.(MD)No.14212 of 2020 on the file of this court.

Prayer in WMP(MD). 11868/ 2020 :

Writ Miscellaneous petition is filed under Article 226 of the Constitution of India, praying this Court to pass an order of Interim Stay to the operation of the impugned order Na.Ka.No.7311/2020/EE1/ dt 30.09.2020 passed by the 3rd respondent as far as the Arulmigu Periya Muthalamman Temple, Ayyampalayam till the disposal of the main WP and thus render justice.

Prayer in WP(MD). 14212/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed in Na.Ka.No.7311/2020/EE1/ dt 30.09.2020 on the file of the 3rd respondent and quash the same and consequently direct the other respondents to maintain the harmony among the village people.

For Appellant	: Mr.Veera Kathiravan Senior Counsel for M/s.Veera Associates
For R1	: Mr.N.S.Karthikeyan
For R2, R3, R4 & R7	: Mr.M.Muthugeethaiyan Special Government Pleader
For R5 & R8	: Mr.K.P.Narayanakumar Special Government Pleader
For R6	: Mr.A.K.Baskarapandian

W.P. (MD)No.14212 of 2020:-

A.Parameshwaran ... Petitioner

Vs.

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

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

3.The District Revenue Officer,
District Revenue Office,Collectorate Campus
Dindigul.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.



- 5.The Takkar / Executive Officer,
Arulmighu Sri Periya Muthalamman Kovil,
Ayyampalayam,
Dindigul District.
- 6.The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
- 7.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed in Na.Ka.No.7311/2020/EE1, dated 30.09.2020, on the file of the third respondent, quash the same and consequently, direct the other respondents to maintain the harmony among the village people.

For Petitioner	:	Mr.N.S.Karthikeyan
For R1, R2, R3 & R6	:	Mr.M.Muthugeethaiyan Special Government Pleader
For R4 and R7	:	Mr.K.P.Narayanakumar Special Government Pleader
For R5	:	Mr.A.K.Baskarapandian

COMMON JUDGMENT

(Judgment of the Court was delivered by N.KIRUBAKARAN, J.)

W.A.(MD)No.976 of 2020 has been preferred against the interim order dated 13.10.2020, granted by the learned Single Judge in W.M.P.(MD)No.11868 of 2020 in W.P.(MD)No.14212 of 2020, staying the operation of the order passed by the District Revenue Officer, Dindigul, dated 30.09.2020, in and by which, permission has been granted to conduct the Temple Festival at Sri Arulmigu Peria Muthalamman Temple, situated at Ayyampalayam Village, Dindigul District, on 15.10.2020 and 16.10.2020.

2.W.P.(MD)No.14212 of 2020 has been filed seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed in Na.Ka.No.7311/2020/EE1, dated 30.09.2020, on the file of the third respondent, quash the same and consequently, direct the other respondents to maintain the harmony among the village people.

3.For the sake of convenience, the parties are referred to hereunder as per their rank in the Writ Appeal.

4.The first respondent herein approached the Writ Court
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challenging the order passed by the District Revenue Officer, Dindigul, dated 30.09.2020, in and by which, permission has been granted to the Administrators of the Sadaiyandi Temple and Muthalamman Temple to conduct the Temple festival.

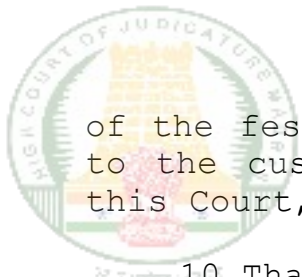
5.The first respondent has challenged the said order stating that the permission is in violation of the order dated 16.10.1998, passed in O.A.No.5/94/C1, dated 16.10.1998, under Section 64 of the Tamil Nadu Hindu Religious Charitable and Endowments Act, 1959. According to him, his family is the first branch of Trustees under the Scheme and a notice has also been pasted in the Temple premises by the sixth respondent/Fit Person stating that permission can be granted only for the purpose of worshipping and no temple festival can be conducted. However, contrary to that, the District Revenue Officer, Dindigul, vide order dated 30.09.2020, granted permission for celebration of the Temple festival and hence, the said order has to be set aside.

6.After hearing all the parties and taking into consideration the order passed by the Joint Commissioner, H.R. & C.E. Department, Madurai, in O.A.No.5/94/C1, interim stay was granted only with regard to conduct of the Temple festival, which does not prevent the worshippers from worshipping the Deity. Aggrieved by the same, the present Writ Appeal has been filed.

7.Heard Mr.Veera Kathiravan, learned Senior Counsel appearing for the appellant, Mr.N.S.Karthikeyan, learned counsel appearing for the writ petitioner, Mr.M.Muthugeethaiyan, learned Special Government Pleader appearing for the State, Mr.A.K.Baskarapandian, learned counsel appearing for the Fit Person and Mr.K.P.Narayanakumar, learned Special Government Pleader appearing for the H.R. & C.E. Department.

8.It is brought to the notice of this Court that though there is a scheme framed by the Joint Commissioner, H.R. & C.E. Department, Madurai, the Board of Trustees has not been appointed so far. However, the Fit Person has been appointed by the H.R. & C.E. Department. In 2004, when a dispute arose with regard to conduct of the temple festival, the first respondent's/writ petitioner's father approached this Court by way of filing W.P.(MD)No.421 of 2004 and this Court, by order, dated 07.10.2004, directed the Fit Person to conduct the festival along with nominees of each Community.

9.Mr.A.K.Baskarapandian, learned counsel appearing for the sixth respondent/Fit Person would submit that there are 11 Pattayathars representing 11 Communities and except the Writ Petitioner, all the Pattayathars are in favour of celebration of the temple festival. Moreover, the *Kaappu Kattuthal* was already undertaken as early as on 01.10.2020. After the commencement of the celebration of the temple festival, in the middle of the celebration



of the festival, if the festival is abandoned, it will be contrary to the customs. Therefore, the order of interim stay granted by this Court, is required to be vacated.

10. That apart, the first respondent/Writ Petitioner alone is stumbling for the conduct of the festival, whereas, as stated by the Fit Person, the rest of 10 Pattayathars are in favour of celebration of the temple festival. The photographs produced before this Court would also exhibit that all the arrangements have been made and the devotees have also started thronging to the temple. At this stage, if the festival is prohibited, it will offend the religious feelings of the devotees and it will give rise to the law and order problem also. Moreover, there is no scheme in operation as the Trustees have not been appointed so far. In the absence of the nominees, the Pattayathars with the help of the Fit Person can celebrate the temple festival as a temporary arrangement following the earlier order passed by this Court.

11. It is open to the first respondent/writ petitioner to join with the other Pattayathars to celebrate the festival and he shall not create any law and order problem while the festival is being conducted. Therefore, there shall be a direction to the sixth respondent/Fit Person to conduct the temple festival along with 10 Pattayathars. If the petitioner wants to join with others, he may be permitted to join with them.

12. Since there is a likelihood of law and order problem, the seventh respondent - Inspector of Police, Pattiveeranpatti Police Station, Dindigul District, is directed to give necessary police protection to avert any law and order problem. The Standard Operating Procedure is to be strictly complied with.

13. Since this Court vacates the interim order passed by the learned Single Judge, nothing survives for further adjudication in the Writ Petition and therefore, the Writ Petition in W.P.(MD) No.14212 of 2020 is taken on file and it is liable to be dismissed.

14. The Officials need not wait for the copy of this judgment. Mr.M.Muthugeethaiyan, learned Special Government Pleader and Mr.A.K.Baskarapandian, learned counsel appearing for the Fit Person are directed to communicate the operative portion of the order passed by this Court to the authorities concerned for strict compliance.

15. In the result,

(i) W.A. (MD) No.976 of 2020 is allowed with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

(ii) W.P. (MD) No.14212 of 2020 is dismissed. No costs.



Consequently, connected Miscellaneous Petitions are dismissed
Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar(CS)

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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.

To

- 1.The District Collector,
District Collector Office, Dindigul.
- 2.The Superintendent of Police,
Superintendent of Police Office, Dindigul District.
- 3.The District Revenue Officer,
District Revenue Office, Dindigul.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.
- 5.The Takkar / Executive Officer,
Arulmighu Sri Periya Muthalamman Kovil,
Ayyampalayam,Dindigul District.
- 6.The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
- 7.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department, Madurai.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-20607[F] dated 20/10/2020)

W.A. (MD)No.976 of 2020
and

W.P. (MD)No.14212 of 2020
16.10.2020

SSS(CO)

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