



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2020

CORAM:

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

W.P.(MD)No. 15202 of 2016
and WMP (MD) No.11200 of 2016

WEB COPY

V. Latha

...Petitioner

-Vs-

1. The District Collector,
Ramanathapuram, Ramanathapuram District.
2. The District Revenue Officer,
Ramanathapuram.
3. The Revenue Divisional Officer,
Ramanathapuram.
4. The Thasildhar,
Thiruvadanai, Ramanathapuram District.
5. The Superintendent of Police,
Ramanathapuram, Ramanathapuram District.
6. Rengasamy
7. Murali
8. Asaithambi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 4th respondent in Na.Ka.A3/7160/2016, dated 29.07.2016 and quash the same as illegal and consequently direct the respondents 1 to 5 to take necessary action against the persons who are involved in excommunicating the villagers based on caste and also to ensure that the construction works and the Kumbabhisekham to Arulmighu Muthu Vinayakar Temple situated in Neyvayal Village, Thiruvadanai Taluk, Ramanathapuram District is conducted by collecting Puli Vari from all the Villagers without any discrimination.

For Petitioner : Mr.A.L. Kannan

For R-1 & R-5 : M/s. M. Ananthadevi
Government Advocate (Crl.Side)

For R-6 to R-8 : Mr.R. Anand



O R D E R

This Writ petition is filed to quash the impugned order passed by the 4th respondent, dated 29.07.2016 in Na.Ka.A3/7160/2016 and also sought for a consequential direction to the respondent Nos.1 to 5 to take necessary action against the persons who are involved in excommunicating the villagers based on caste and also to ensure that the construction works and the Kumbabhisekham to Arulmighu Muthu Vinayakar Temple situated in Neyvayal Village, Thiruvadanai Taluk, Ramanathapuram District is conducted by collecting Puli Vari from all the villagers without any discrimination.

2. The learned counsel appearing for the petitioner would submit that the petitioner belongs to other community of the respondent Nos.6 to 8 herein. Therefore, the respondent Nos.6 to 8 are preventing the petitioner from participating Kumbabhisekham of Arulmighu Muthu Vinayakar Temple situated in Neyvayal Village, Thiruvadanai Taluk, Ramanathapuram District. Infact, the respondent Nos.6 to 8 have also filed a suit on the file of the District Munsif Cum Judicial Magistrate, Thiruvadanai, suppressing various facts and obtained decree on 31.03.2015 in O.S. No.72 of 2009 in favour of them and aggrieved over the same, the petitioner has preferred an appeal suit in A.S. No.19 of 2015 on the file of the Subordinate Court, Ramanathapuram and the same is pending. While being so, the respondent Nos.6 to 8 herein raised the very same issue before the fourth respondent herein and the fourth respondent has also passed an impugned order stating that the appeal suit filed by the petitioner and others is pending and he could not take a decision on the issue and further ordered that all are having equal rights for worship the God and no one is allowed to restrain anybody from worship the God of Arulmighu Muthu Vinayakar Temple, Neyvayal Village, Thiruvadanai Taluk, Ramanathapuram District. He would further submit that, though an appeal suit is pending, the fourth respondent can very well decided about the rights of the petitioner herein. Since the petitioner belongs to other community their people are excommunicated from the entire functions and also even worshipping the god Arulmighu Muthu Vinayakar Temple, Neyvayal Village, Thiruvadanai Taluk, Ramanathapuram District.

3. The learned counsel appearing for the respondent Nos.6 to 8 would submit that, according to the petitioner, as against the Judgment an Decree, dated 31.03.2015 in O.S. No.72 of 2009 the petitioner and others have filed an appeal suit in A.S. No.19 of 2015 on the file of the Subordinate Court, Ramanathapuram the same is pending. However, Kumbabishekam of Arulmighu Muthu Vinayakar Temple was already held and infact, the petitioner and his people were participated in the Kumbabishekam function and they never restrained anybody from worship of Arulmighu Muthu Vinayakar Temple.



4. Heard Mr.A.L. Kannan, learned counsel appearing for the petitioner and M/s. M. Ananthadevi, learned Government Advocate (Crl.Side) appearing for R-1 & R-5 and Mr.R. Anand, learned counsel appearing for R-6 to R-8.

WEB COPY

5. It is seen from the records that the petitioner belongs to different community than the respondent Nos.6 to 8 herein. In respect of their rights in the Arulmighu Muthu Vinayakar Temple, there was a dispute between the petitioner and their people and the respondent Nos.6 to 8 herein and as such the respondent Nos.6 to 8 have filed a suit in O.S. No.72 of 2009 and the same was decreed on 31.03.2015 in favour of the respondent Nos.6 to 8 herein. Aggrieved over the same, the petitioner herein has filed an appeal suit in A.S. No.19 of 2015 and the same is pending on the file of the Subordinate Court, Ramanathapuram. While being so, the fourth respondent has initiated a proceedings and passed an order in Na.Ka.Aa.4/137/2016, dated 09.03.2016. Hence, the present Writ Petition is filed by the petitioner for quashing the impugned order passed by the fourth respondent. The fourth respondent ordered that since an appeal suit in A.S. No.19 of 2015 is pending on the file of the Subordinate Court, Ramanathapuram, the Judgement and Decree, dated 31.03.2015 could not be executed till the pendency of the appeal suit. Further ordered that all are having equal rights for worship the God and no one is allowed to restrain anybody from worship the God of Arulmighu Muthu Vinayakar Temple. Now, the learned counsel appearing for the respondent Nos.6 to 8 submitted that the Kumbabishekam of Arulmighu Muthu Vinayakar Temple was held over and now all community people are permitted for worship of God Arulmighu Muthu Vinayakar Temple and no one is prevented any person belongs to the petitioner's community and all are worshipped the God.

6. Considering the aforesaid submissions made on either side, the respondent Nos.6 to 8 are directed to permit the petitioner and his community people for worship the God Arulmighu Muthu Vinayakar Temple in future without preventing them. It is made clear that the outcome of the appeal suit in A.S. No. 19 of 2015 would not affect the rights of the petitioner to worship the God Arulmighu Muthu Vinayakar Temple.

7. With the above directions, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



ksa

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 Sub Judge,
Ramanathapuram.
2. The District Collector,
Ramanathapuram, Ramanathapuram District.
3. The District Revenue Officer,
Ramanathapuram.
4. The Revenue Divisional Officer,
Ramanathapuram.
5. The Thasildhar,
Thiruvadanai, Ramanathapuram District.
6. The Superintendent of Police,
Ramanathapuram, Ramanathapuram District.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD) No.15202 of 2016

05.11.2020

CK (CO)

NR (01/12/2020) 4P : 8C