



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.22820 of 2019

and

W.M.P(MD)Nos.19591 and 19592 of 2019

S.T.Krishnamoorthi

... Petitioner

Vs.

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

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

3.The Revenue Divisional Officer,
RDO Office,
Dindigul District, Dindigul.

4.The Tahsildar,
Dindigul East Taluk Office,
Dindigul.

5.The Sub-Inspector of Police,
Sanarpatti Police Station,
Sanarpatti, Dindigul.

6.S.K.A.Azhagarsami

7.Manoharan

8.Poosari.Mani

9.Peththan Chettiar

10.Ravikumar

11.Chandrasekaran

12.Murugan

13.Dhanapal

14.S.T.Subramanian

15.Poosari. Rajamanickam

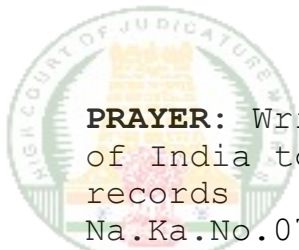
16.Gunasekaran @ Karthikeyan

17.S.T.S.Natesamurugan

18.A.P.C.Godhandapani

19.Chinnasamy

... Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings in Na.Ka.No.07/2019/A1, Dated 03.10.2019, on the file of the fourth respondent herein and quash the same and appoint the third respondent herein as a fit person to the T.Vdukapatti Arulmigu, Peththanna Swami Temple, in Dhimmananallur Village, Dindigul District for conducting Kumbabhishegam festival said to have been taken place in the Month of December 2019 with appropriate directions.

For Petitioner : Mr.R.R.Thamothar Raj
For R-1 to R-5 : Mrs.J.Padmavathi Devi,
Special Government Pleader
For R-6 to R-11
and R-13 : Mr.H.Lakshmi Shankar
For R-12, R-14
to R-17 & R-19 : Mr.V.Sasikumar

O R D E R

This Writ Petition is filed by the petitioner challenging the order of the fourth respondent in proceedings Na.Ka.No.07/2019/A1, Dated 03.10.2019.

2. Arulmigu Peththanna Swami temple situate in T.Vadukapatti, Dhimmananallur Village, Dindigul District is a Hindu denominational temple exclusively belongs to '16 house members of 24 Manai Telugu Chettiar Community'. Kumbabishegam of the said temple was earlier performed in December, 1995. In course of time, there was difference of opinion among the members of the said community and they have now divided into two groups. It is stated that in the year 2000, a similar dispute was prevailing among the community people for the conduct of Ursavam and celebrations in the said temple. During such time, an arrangement or an understanding was arrived at between the parties and the same was reduced to writing before the fifth respondent as Petition No.352 of 2000. It is also stated that the arrangement is being followed till now. Now, difference of opinion arose between the two groups when it was decided to perform Kumbabishegam of the said temple. As there was difference of opinion, it was referred to the fourth respondent.

3. While the matter stood thus, the fourth respondent has passed the impugned proceedings dated 03.10.2019. In the said proceedings, it is stated that there was a peace committee meeting and in which, both the parties could not meet eye to eye. As there was no consensus arrived at between the parties, the Tahsildhar had decided that till such time both the groups agree on a particular arrangement, neither the Kumbabishegam nor any events regarding the temple should take place. Though the said order further states that



both the groups have agreed on this arrangement, the petitioner has now challenged it and the private respondents are also supporting for setting aside the said order as it has brought all the events in the temple to a standstill.

4. Heard the learned counsel appearing on both sides.

5. Both the counsels agreed that the performance of the other events relating to the temple are concerned, they would abide by the understanding arrived at in the year 2000 in Petition No.352 of 2000. So far as the performance of Kumbabishegam is concerned, on an earlier occasion, it was decided to allow any one party by drawing lots between the two parties. The said decision was reduced to writing on 04.08.2006 and in the drawal of lots, the petitioner's group had succeeded and they performed the Kumbabishegam.

6. The learned counsel appearing for the respondents 12, 14 to 17 and 19, would submit that it was agreed on that time believing that their group will be allowed to perform the Kumbabishegam for the next time and now the petitioner is putting spokes in the wheel.

7. The learned counsel for the petitioner would urge that the Kumbabishegam can be performed jointly by both the parties, which is not agreeable to the respondents 6 to 11 and 13.

8. However, the learned counsel for the respondents 12, 14 to 17 and 19 would submit that the same method of drawing of lots can be done even for this year also and they are willing to abide by the outcome of the drawing of lots.

9. The learned counsel for the petitioner is also agreeable for the same and it is also supported by the learned counsel for the respondents 12, 14 to 17 and 19.

10. In the light of the above agreement between the learned counsels as per the instructions, this Court is inclined to pass the following order:

(i) As far as the performance of any poojas or organizing any events in the temple are concerned, both the parties would abide by the conditions that were resolved and reduced to writing as per Petition No.352/2000, dated 17.07.2000.

(ii) The performance of Kumbabishegam would be done by a party by draw of lots method, as indicated above.

(iii) The party chosen to perform the Kumbabishegam will do the same peacefully without disturbing the other worshippers. It is open to the other party to participate in the Kumbabishegam without disturbing the rights of the selected party in doing the same.



(iv) The draw of lots should be done in the presence of the fifth respondent. The above said exercise may be completed before 15th of March, 2020 and a date for performing Kumbabishegam may be fixed on the very same day.

With the above directions, the writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pm

To:

- 1.The District Collector,
Dindigul District Collectorate,
Dindigul.
 - 2.The Superintendent of Police,
Office of the District Superintendent of Police,
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 - 3.The Revenue Divisional Officer,
RDO Office,
Dindigul District, Dindigul.
 - 4.The Tahsildar,
Dindigul East Taluk Office,
Dindigul.
 - 5.The Sub-Inspector of Police,
Sanarpatti Police Station,
Sanarpatti, Dindigul.
- +1 CC to Mr.V.SASI KUMAR, Advocate (SR-5755[F] dated 12/02/2020)
+1 CC to Mr.R.R.THAMOTHARRAJ, Advocate (SR-5756[F] dated 12/02/2020)
+1 CC to Mr.H.LAKSHMI SHANKAR, Advocate (SR-5759[F] dated 12/02/2020)
+1 CC to SPL.GP (SR-5836[F] dated 12/02/2020)

Order made in

W.P (MD) No.22820 of 2019

Dated:11.02.2020

MK (20.02.2020) 4P 10C