



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.02.2020

CORAM :

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

W.P. (MD) No. 27095 of 2019

and

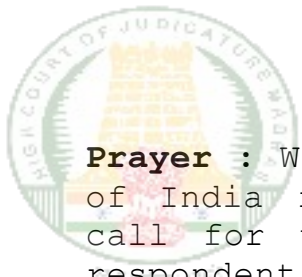
W.M.P. (MD) .Nos. 23433, 23435 to 23437 of 2019

1.S.Erramma Naicker
2.Chellapandi @ A.Erramma Naicker .. Petitioners

Vs.

- 1.The District Collector,
Theni District.
- 2.The Revenue Divisional Officer,
Periyakulam, Theni District.
- 3.The Tahsildar,
Andipatti Taluk,
Andipatti, Theni District.
- 4.The Superintendent of Police,
Theni District.
- 5.The Deputy Superintendent of Police,
Aundipatty Police Station,
Theni District.
- 6.The Inspector of Police,
Aundipatty Police Station,
Theni District.
- 7.S.Srinivasan,
The Deputy Superintendent of Police,
Aundipatty Police Station,
Theni District.

8.Vajravel
9.Bommiah Naicker
10.Chelladurai
11.Velchamy
12.Kathirchamy Naicker .. Respondents



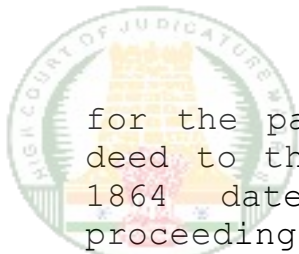
Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 5th respondent herein in Na.Ka.No.24/Kaa.Thu.Ka/Aundipatty/2019, dated 11.10.2019, quash the same and consequently direct the respondents 4 to 6 herein to provide police protection to the petitioners for the annual festivals of Maha Sivarathiri festival, Panguni Uthira Natchathiram Day festival, Purattasi Month last Saturday festival and Perumal Karthigai festivals celebrated in Arulmigu Sri Kamba Perumal Thirukoil, Pichampatti, Aundipatty, Aundipatty Diversion-I, Theni District, in the light of the settlement proceedings and ryotwari patta issued by Settlement Tahsildar No.II, Madurai-2 in SR.No.159/M.I.ACT/PKM/68, dated 08.01.1969 as hereditary trustees of the temple Arulmigu Sri Kamba Perumal Thirukovil, Pichampatti, Aundipatty, Aundipatty Diversion-I, Theni District.

For Petitioners	: Mr.N.Marimuthu for M/s.K.Appadurai
For Respondents 1 to 6	: Mrs.S.Bharathi Government Advocate (Crl.Side)
For Respodent No.8	: Mr.B.Elankumaran
For Respodent No.9	: Mr.S.Balaji
For Respodent No.7	: No appearance
Respodents 10 to 12	: Notice returned

O R D E R

This writ petition has been filed seeking to direct the respondents 4 to 6 herein to provide police protection to the petitioners for the annual festivals of Maha Sivarathiri festival, Panguni Uthira Natchathiram Day festival, Purattasi Month last Saturday festival and Perumal Karthigai festivals celebrated in Arulmigu Sri Kamba Perumal Thirukoil, Pichampatti, Aundipatty, Aundipatty Diversion-I, Theni District, in the light of the settlement proceedings and ryotwari patta issued by Settlement Tahsildar No.II, Madurai-2 in SR.No.159/M.I.ACT/PKM/68, dated 08.01.1969 as hereditary trustees of the temple Arulmigu Sri Kamba Perumal Thirukovil, Pichampatti, Aundipatty, Aundipatty Diversion-I, Theni District.

2. The learned counsel for the petitioners would submit that the petitioner's ancestors were performing Urchavakala Poojai and were maintaining Arulmigu Sri Kamba Perumal Thirukovil, Pichampatti, Aundipatty, Aundipatty Diversion-I, Theni District,



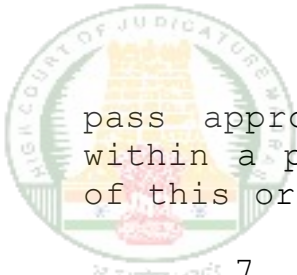
for the past 300 years. The British Government had granted title deed to the petitioner's ancestors, vide, Inam Register No.223 of 1864 dated 20.02.1864. Apart from that there are several proceedings issued in favour of the petitioner's ancestors. The claim of the petitioners is countered by the respondents, but the petitioners also claim to be the hereditary trustees of Arulmigu Sri Kamba Perumal Thirukovil.

3. While the disputes were pending, the petitioners had approached the sixth respondent, the Inspector of Police, Aundipatty Police Station, Theni District, seeking for permission to conduct the above festival. Taking consideration the rival claim between the parties, the sixth respondent referred the matter to the fifth respondent, who had conducted an enquiry and passed the impugned order, which is now under challenge before this Court.

4. When the matter is taken up for hearing today, the learned Government Advocate (Criminal side), would submit that since the rival claim is with regard to the hereditary trusteeship of Arulmigu Sri Kamba Perumal Thirukovil, Pichampatti, Aundipatty, there is a chance of breach of peace and further submitted that the matter may be referred to the Revenue Divisional Officer/second respondent herein, to conduct an enquiry and pass suitable orders in accordance with the judgment of this Court in W.A.No.3813/2019.

5. The learned counsel for the petitioners would submit that though there is a rival claim in respect of the trusteeship of the temple, the police without referring it to the appropriate authority had unilaterally prohibited the petitioners and their men from conducting the temple festival. He would further submit that the action of the police in totally prohibiting the celebration of festival means to violation of the provisions of the Constitution of India and in support of his contention, the learned counsel for the petitioners relied on the judgment of this Court in W.A.No.3813 of 2019, dated 15.11.2019, wherein the Division Bench of this Court has opined that when there is rival claim with regard to the trusteeship of the temple, it would be appropriate that an enquiry may be conducted by the Revenue Divisional Officer, who will enquire both parties and resolve the controversy between the parties, subject to the maintenance of public peace and tranquility.

6. In view of the above, the petitioners and the respondents 8 to 12 are directed to file their claims before the Revenue Divisional Officer/second respondent herein. On such filing, the second respondent shall fix a date and enquire both parties after affording sufficient opportunity to both of them and



pass appropriate orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

7. With the above directions, this writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

To

1.The District Collector,
Theni District.

2.The Revenue Divisional Officer,
Periyakulam, Theni District.

3.The Tahsildar,
Andipatti Taluk,
Andipatti, Theni District.

4.The Superintendent of Police,
Theni District.

5.The Deputy Superintendent of Police,
Aundipatty Police Station,
Theni District.

6.The Inspector of Police,
Aundipatty Police Station,
Theni District.

+1 CC to M/s.K.APPADURAI, Advocate (SR-4808[F] dated 05/02/2020)

W.P. (MD) No. 27095 of 2019
04.02.2020

SGS (CO)

TR(12.02.2020) 4P 8C