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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29121 of 2019

And

W.M.P.Nos.28900 and 28902 of 2019

S.Velusamy

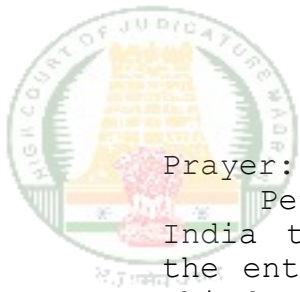
... Petitioner

Vs.

1. The District Collector,
Namakkal District,
Namakkal.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Kottaimariamman Temple Campus,
Behind Old Bus Stand,
Salem - 1.
3. The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.
4. The Superintendent of Police,
Namakkal District,
Namakkal.
5. The Tahsildar,
Paramathivelur Taluk,
Paramathivelur,
Namakkal District.
6. Rajendran
7. Krishnan

(R7 impleaded vide order dated
16.03.2020 made in WMP.1149/2020
in WP.29121/2019 by GKIJ)

... Respondents



Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the third respondent in his proceedings No.Mu.Mu.No.3264/2019/C, dated 01.10.2019 and quash the same and consequently directing the respondents 1 to 5 permitting the petitioner to give Muppattu right for this year during the Venkaraiaimman Temple festival conducting from 08.10.2019 to 12.10.2019.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.C.E.Pratap
Government Advocate (Crl. Side)

O R D E R

This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the third respondent in his proceedings No.Mu.Mu.No.3264/2019/C, dated 01.10.2019 and to quash the same and to consequently direct the respondents 1 to 5 permitting the petitioner to give Muppattu right for this year during the Venkaraiaimman Temple festival conducting from 08.10.2019 to 12.10.2019.

2.The case of the petitioner is that he is hailing from Vettuva Gounder Community and sub caste Kulam called as Moola Kula Vettuva Community residing at Poosaripalayam Village and in their Village, their community people are called as Mupattukarar and they are honoured by Temple Authorities/ Poojaris/ Trustees in their Kula Temple situated at Venkarai Village called as Venkaraiaimman Temple.

3.It is the further case of the petitioner that every year during the month of Purattasi, the said Temple festival was celebrated and during the year 2018, during the festival time, some of the Village people created law and order problem and hence the third respondent convened the peace meeting on 29.09.2018, 01.10.2018 and 03.10.2018 and arrived at a conclusion that the right of Muppattu is to continue with Poosaripalayam Moola Kula Vettuva Gounder people and all parties accepted and thereafter the third respondent passed orders vide proceedings dated 03.10.2018.



4.It is the further case of the petitioner that during the year 2019, the Trustees printed invitations for Venkaraiamman Temple festival without getting prior permission from the second respondent and refused the right of Muppattu by ignoring the peace committee meeting resolutions. Hence, the petitioner approached this Court by filing W.P.No.28280 of 2019 seeking direction to the respondents 1 to 4 therein to implement the peace committee resolution and when the said writ petition came up for hearing before this Court, the third respondent therein represented that the Tahsildhar held peace committee meeting on 29.09.2019 and passed resolution that the hereditary Trustee is having power to appoint the Muppattukarar and the said writ petition was disposed of on 30.09.2019.

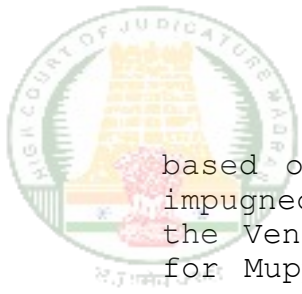
5.It is the further case of the petitioner that thereafter, the third respondent called for peace committee meeting on 01.10.2019 and passed resolution dated 01.10.2019 that the Venkarai people and Poosaripalayam people are having rights for Muppattu by rotation in every year. Challenging the same, this writ petition has been filed.

6.The learned counsel appearing for the petitioner submitted that for several years the petitioner's group was receiving the right, however, in the year 2019, the said right was changed. Further, if any group want to conduct the Temple festival, they have to file suit before the competent Court to establish their rights and some people in both the groups were directed to execute bond under Section 107 of Cr.P.C., which is un-sustainable one.

7.The learned Government Advocate submitted that the impugned order is perfectly valid one. If any party is aggrieved by the same, they have to file civil suit before the competent civil Court. Without doing so, filing writ petition is un-sustainable one. He further submitted that the issue involved in the case is disputed question of fact which cannot be decided in writ petition filed under Article 226 of the Constitution of India.

8.Heard the submissions made on either side and perused the materials placed on record.

9.Perusal of impugned order reveals that since no conclusion was arrived at during the peace committee meeting on 29.09.2019 held by the Thasildhar, appeal was preferred and



based on the appeal, peace committee meeting was held and the impugned proceedings dated 01.10.2019 was passed stating that the Venkarai people and Poosaripalayam people are having rights for Muppattu by rotation in every year. If any group claiming any exclusive rights to conduct the Temple festival, they have to file suit before the competent Court to establish their rights and some people in both the groups were directed to execute bond under Section 107 of Cr.P.C.

10.Hence, I am not inclined to interfere in the impugned order. It is the duty of the third respondent to maintain peace in the locality. The third respondent has rightly passed the order impugned in the writ petition which cannot be found fault with.

11.This writ petition is disposed of. Liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Namakkal District,
Namakkal.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Kottaimariamman Temple Campus,
Behind Old Bus Stand, Salem - 1.
3. The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.



4. The Superintendent of Police,
Namakkal District,
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5. The Tahsildar,
Paramathivelur Taluk,
Paramathivelur,
Namakkal District.

W.P.No.29121 of 2019

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KG(CO)
SU(23/09/2021)