



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 13.12.2021

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

W.P. (MD)No.15076 of 2019

and

W.M.P. (MD)No.11598 of 2019

WEB COPY

K.Chellaperumal

... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

4.The Inspector of Police,
Mathakupatti Police Station,
Sivagangai District.

5.S.Sekar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to permit to conduct Kodivalavu Eruthukattu festival Arulmigu Santhiveeran Swamy Temple, Periyakottaipatti Village, Kattanipatti, Sivagangai Taluk and District as per the existence of Custom by giving Muthal Mariyathai to the petitioner with police protection during the said temple festival every year in the month of Aani.

For Petitioner

: Mr.G.R.Satish

For Respondent Nos.1 to 4

: Mr.B.Thanga Aravindh
Government Advocate
(Crl. Side)

ORDER

This Writ Petition is filed seeking Mandamus, directing the respondents 1 to 4 to permit the petitioner to conduct Kodivalavu Eruthukattu Festival Arulmigu Santhiveeran Swamy Temple, Periyakottaipatti Village, Kattanipatti, Sivagangai Taluk and District



2. According to the writ petitioner, the festival of the said temple scheduled to be held on 06.07.2019 and 14.07.2019. He claims that the first respect used to be given to him during the event of tying the first Bullock in Kaadamathanpatti Manju Virattu. But, due to the representation given by the fifth respondent, there was an enquiry conducted by the Police. Also, a suit in O.S.No.46 of 2019 on the file of the District Munsif Court, Sivagangai, for permanent injunction instituted by the fifth respondent is pending. While so, the Writ Petition is filed seeking direction to ensure first respect to the petitioner during Kodivalavu Eruthukattu Festival Arulmigu Santhiveeran Swamy Temple, scheduled on 06.07.2019 and 14.07.2019.

3. At the outset, since the scheduled date for the festival expired, this Court is of the view that the prayer in this Writ Petition has become infructuous. If at all the petitioner is having any primary right of getting respect popularly known as 'Muthal Mariyathai', he has to make out his remedy before the Civil Court since such right is declared as a civil right. This Writ Petition cannot be entertained to determine a civil right of the disputing parties. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The District Revenue Officer,
Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.
3. The Tahsildar,
Sivagangai Taluk,
Sivagangai District.
4. The Inspector of Police,
Mathakupatti Police Station,
Sivagangai District.



5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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