



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19683 of 2021

K.Marikkalai

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thirumangalam Division,
Madurai District.

2.The Inspector of Police,
Thirumangalam Police Station,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to directing the respondents to give permission to the petitioner to bring the Mulaipari and Spiritual water to temple to perform the worship on 09.11.2021 to 11.11.2021 everyday 06.00 pm., to 09.00 pm and on 10.11.2021 at about 06.00 a.m., to 09.00 a.m., at Sri Mariammal Temple at Chokkanathanpatti Village, Kappalur Post, Thirumangalam Taluk, Madurai District.

For Petitioner : Mr.R.Mathava Selvam

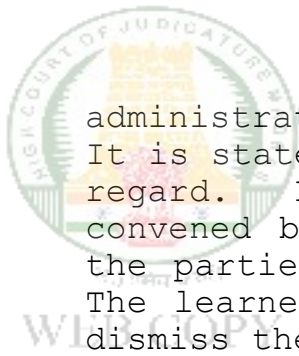
For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

2.This writ petition has been filed to direct the respondents to permit the petitioner to conduct the petition mentioned events in connection with the festival of Sri Marriammal Temple, at Chokkanathanpatti Village, Kappalur Post, Thirumangalam Taluk, this evening and tomorrow.

3.There is strong opposition from the respondents. The specific stand of the respondents is that there are two communities in the village which are vying with each other with regard the

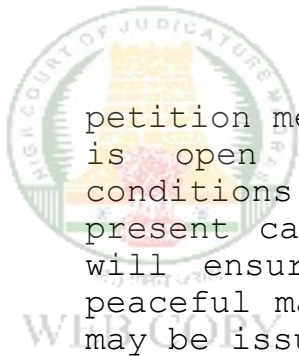


administrative as well as worship rights in the temple in question. It is stated that as many as three FIRs have been registered in this regard. It was also stated that in the peace committee meeting convened by the Revenue Divisional Officer, it was agreed by both the parties that they would refrain from celebrating the festival. The learned Additional Public Prosecutor called upon this Court to dismiss the writ petition.

4.The learned counsel for the petitioner on the other hand stated that while there is a dispute in the village between the two communities, the issue is only regarding the Kalliamman Temple and not the Mariammal Temple. The case on hand pertains to Mariammal Temple.

5.I carefully considered the rival contentions and went through the materials on record. The learned Additional Public Prosecutor referred to three FIRs registered in this regard namely, Crime Nos.451 and 457 of 2019 and 1112 of 2020. I went through the contents of all the three FIRs. All the three FIRs relate to conduct some events pertaining to Kalliamman Temple. I am satisfied that the petitioner has clearly established that as regards Mariammal Temple festival no issue has so far cropped up.

6.As regards the proceedings of peace committee meeting dated 06.10.2021, it appears that the parties were given to understand that the meeting is regarding Kalliamman Temple. The Revenue Divisional Officer no doubt convened peace committee meeting. The peace committee meeting relates to both Kalliamman as well as Mariammal Temple (LIR Nos.43 and 44 of 2021). These are proceedings under Section 107 of CrPC. Though the proposal given by the Inspector of Police, Thirumangalam Police Station refers to Section 107 of CrPC, the minutes drawn by the Revenue Divisional Officer are styled as peace committee report. It has been held in more than one case that peace committee meetings do not have statutory flavour or any binding character. Therefore, on the strength of the minutes projected by the respondents, the petitioner's right cannot be stifled. The petitioner through his counsel gives a categorical undertaking that Nadar community will not have any objection for the members of the Naidu community to come and worship in Mariammal Temple. In fact such a concession is superfluous. No member of a Hindu religion can be prevented from offering his worship in any public temple, even it is managed by a particular community. However, I make it clear that the rights of the parties are not gone into in this writ petition. The scope of the writ petition is simple. The question is whether the members of the petitioner's community can be permitted to hold the petition mentioned events. The materials produced by the respondent do not persuade me to deny the relief to the petitioner herein. It is also seen that the petitioner had moved this Court in the year 2020 also by filing W.P.(MD)No.13990 of 2020. Vide order dated 07.10.2020, I



petition mentioned events. In the said order, I have stated that it is open to the police authorities to stipulate appropriate conditions for ensuring the smooth conduct of the event. In the present case also the petitioner has given an undertaking that he will ensure that the entire event will be conducted in a most peaceful manner and he will abide by any advisory or direction that may be issued by the respondents herein.

7. Recording the petitioner's undertaking, I direct the respondents to permit the petitioner to conduct the petition mentioned events. It is open to the respondents to stipulate appropriate conditions for ensuring the smooth conduct of the events.

8. The writ petition is allowed on these terms. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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 Deputy Superintendent of Police,
Thirumangalam Division, Madurai District.
2. The Inspector of Police,
Thirumangalam Police Station, Madurai District.

COPY TO:

The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.MATHAVA SELVAM, Advocate (SR-33805[F] dated 09/11/2021)

W.P (MD) No.19683 of 2021
09.11.2021

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