



W.P.No.34376 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. No. 34376 of 2022

C.Prakash

... Petitioner

Vs.

1.The Commissioner of Police
Office of Commissioner of Police,
Salem.

2.The Revenue Divisional Officer,
Salem – 636 005.

3.The Inspector of Police,
Hasthampatti Police Station,
Salem City, Salem – 636 007.

4.Jayaseelan

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the respondents 1 and 3 herein to provide with Police protection to the petitioner and other Oor Gounders in administration of the temple like performing regular poojas, managing accounts, conducting festival and other activities related to the management to the Arulmigu Sri Mariamman temple existing at (Alagapuram Chinnapudhur Village) Pudur village, Sivasamypuram, Salem Town, Salem by following the



W.P.No.34376 of 2022

decree and judgment dated 27.09.1988 passed in OS.No.158 of 1985 of II Additional Subordinate Judge, Salem and the decree and judgment dated 18.03.2021 passed in O.S.No.1035 of 2015 on the file of III Additional District Munsif by considering the representation of the petitioner herein dated 09.12.2022.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.S.Santhosh (For R1 to R3)

Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed to direct the respondents 1 and 3 to grant Police protection to the petitioner and Oor Gounders in administration of the temple like performing regular poojas, managing accounts, conducting festival and other activities related to the management to the Arulmigu Sri Mariamman temple existing at (Alagapuram Chinnapudhur Village) Pudur village, Sivasamypuram, Salem Town, Salem by following the decree and judgment dated 27.09.1988 passed in OS.No.158 of 1985 of II Additional Subordinate Judge, Salem and the decree and judgment dated 18.03.2021 passed in O.S.No.1035 of 2015 on the file of III Additional District Munsif by considering the representation of the petitioner herein dated 09.12.2022



W.P.No.34376 of 2022

2.The learned counsel for the petitioner submitted that Arulmigu Sri Mariamman Temple is situated at Chinnapudhur Village, Salem town and it belongs to Vanniyar community and managed by Oor Gounders. In this regard, there was a litigation and suit in O.S.No.158 of 1985 was filed by petitioner's father Chinnathambi Gounder against Ariyaputra Gounder and others. Third plaintiff in that case Chinnathambi Gounder is the father of the fourth respondent in this case namely Jayaseelan. In the said suit, the decree was passed in favour of the plaintiffs that temple festivals should be conducted only by plaintiffs and through Oor Gounders. Subsequently petitioner's father and petitioner filed O.S.No.1035 of 2015 against one Mohan and others for a similar relief. In that suit also judgment and decree was passed in favour of the plaintiffs that the plaintiffs and Oor Gounders are the persons entitled to conduct temple festival and other related functions. Now the fourth respondent is trying to conduct festival. Petitioner is trying to conduct the temple festival with the help and including the participation of the fourth respondent. However, fourth respondent is trying to conduct the temple festival on his own without including the petitioner and Oor Gounders. In this regard, he gave a representation to the third respondent for a Police protection for smooth conduct of the temple festival on 09.12.2022. Fourth respondent is



W.P.No.34376 of 2022

daily interfering with the day to day performance of poojas in the temple,
leading to filing of this petition.

3.The learned Government Advocate (Criminal side) submitted that on the representation dated 09.12.2022, current paper enquiry is pending on the file of the third respondent. On 21.04.2022, the Tahsildar issued Na.Ka.No.336/2022/Aa2 after conducting a meeting between two groups belong to petitioner and fourth respondent and advised them to conduct the temple festival jointly as per the judgments of the Court. Even thereafter, the issue is not resolved.

4.From the facts narrated above, it is clear that petitioner's father and fourth respondent's father as plaintiffs filed suit in O.S.No.158 of 1985 against one Aryaputra Gounder and others in connection with conduct of temple festival and obtained judgment and decree in their favour that plaintiffs are alone entitled to conduct temple festival through Oor Gounders. That judgment was subsequently reiterated in the judgment in O.S.No.1035 of 2015. Neither the petitioner nor the fourth respondent is entitled to individually conduct of Arulmigu Sri Mariamman temple festival. They have



W.P.No.34376 of 2022

to collectively conduct the festival only through Oor Gounders. In such circumstances, this Court advise both the petitioner and fourth respondent to join together and conduct temple festival with regular poojas and other affairs of the temple through Oor Gounders. They are not entitled to conduct the festival individually without the assistance of Oor Gounders. Therefore, the second respondent is directed to take appropriate action on the basis of the representation dated 09.12.2022 including the consideration of providing Police protection as and when necessary.

5. With the above direction, this Writ Petition is disposed of. No costs.

22.12.2022

Index : Yes/No

Internet: Yes/No

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