



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.1969 of 2022

A.Rajamani

... Petitioner

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Usilampatti, Madurai.
- 3.The Tahsildar,
Office of the Tahsildar,
Usilampatti, Madurai.
- 4.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Usilampatti Taluk,
Madurai District.
- 5.The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.

6.Pandi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1, 4 and 5 to grant permission to conduct Kumbabisegam for Sri Mariyamman Temple of the Ambasamuthiram Village, Thottappanayakkanur, Usilampatti Taluk, Madurai District based on the representation of the petitioner dated 27.01.2022.

For Petitioner : Mr.S.Ramsundarvijayraj

For R1 to R5 : Mr.M.Veeranthiran
Government Advocate(Crl.Side)



ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate for the respondent 1 to 5 and the learned counsel for the sixth respondent.

2. The subject matter concerns conducting of Kumbabisegam for the petition mentioned temple. It is proposed to be held on 10.02.2022 and 11.02.2022. However, the sixth respondent has raised certain objections.

3. After hearing the counsels on either side, I am of the view that petition mentioned Kumbabisegam should be permitted to be performed on the aforesaid dates. However, the following directions are issued:

(1) The village comprises members of three communities namely Gounder, Thevar and Adi Dravidar. There are about sixty Adi Dravidar families, thalai katu vari shall be collected from each one of the Adi Dravidar families and receipt shall be issued in the name of Kumbabisegam committee.

(2) The Kumbabisegam committee shall contain representations from all the communities.

(3) The existing features of the temple shall not be altered.

(4) When Kumbabisegam is performed and subsequent worship is conducted, there shall not be any discrimination. In other words, members from all communities including Adi Dravidar families shall also entitled to take part in the worship. Since, the petitioner is said to be taking lead in the matter organizing the event he undertakes to ensure that the aforesaid directions shall be complied with the letter and spirit.

4. The Writ Petition is allowed on these terms. No costs. The fifth respondent is directed to ensure that the Kumbabisegam is performed peacefully and smoothly and that the aforesaid directions are implemented.

5. The counsel for the sixth respondent states that the father of the sixth respondent was the temple priest. However, according to him, the present sixth respondent is being prevented from being so. I do not want to go into the said factual controversy. The rights of the sixth respondent is left open. It will be decided in appropriate and separate proceedings. We are only concerned with the performance of the Kumbabisegam. Kumbabisegam is conducted by a team of religious people. The local persons will not be given any first preference and should not given any preference. The Kumbabisegam team is



said to be hailing from outside the village and they shall carry out all religious functions.

Sd/-

Assistant Registrar (CS II)

// True Copy //

WEB COPY

/ /2022

Sub Assistant Registrar(CS)

sn

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 Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Usilampatti, Madurai.
- 3.The Tahsildar,
Office of the Tahsildar,
Usilampatti, Madurai.
- 4.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Usilampatti Taluk, Madurai District.
- 5.The Inspector of Police,
Usilampatti Town Police Station, Madurai District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate(SR-4058[F] dated 03/02/2022)

+1 CC to M/s.T.THIRUMURUGAN, Advocate(SR-4039[F] dated 03/02/2022)

W.P. (MD) .No.1969 of 2022

03.02.2022

MGJ(07.02.2022) 3P 9C

<https://hcservices.ecourts.gov.in/hcservices/>