



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 03.03.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P. (MD)No.3894 of 2022**

S.Muthukumar

.. Petitioner

Vs

The Tahsildar,  
Vembakottai Taluk,  
Virudhunagar District.

.. Respondent

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to grant permission and hand over the keys of the Arulmighu Kamba Kamatchi Amman Shri Kathavarayan Temple, situated at Sri Chakra Nagar, S.Sankaramoorthypatti, T.N.C.Alangulam, Vembakottai Taluk, Virudhunagar District, to the petitioner for celebrating the Annual Masi Festival from 03.03.2022 to 18.03.2022 and regular worshipping.

For Petitioner : Mr.M.Kannan

For Respondent : Mr.B.Saravanan

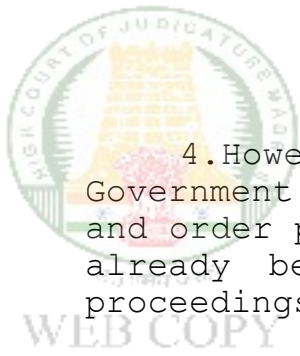
Additional Government Pleader

**ORDER**

This writ petition has been filed seeking for a Mandamus to direct the respondent to grant permission and hand over the keys of Arulmighu Kamba Kamatchi Amman Shri Kathavarayan Temple, situated at Sri Chakra Nagar, S.Sankaramoorthypatti, T.N.C.Alangulam, Vembakottai Taluk, Virudhunagar District, to the petitioner for celebrating the Annual Masi Festival from 03.03.2022 to 18.03.2022 and regular worshipping in the temple.

2.Heard Mr.M.Kannan, learned counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondent.

3.The case of the petitioner is that despite having succeeded before the Civil Court as seen from the Judgment and Decree dated 08.09.2020 passed in A.S.No.23 of 2016 by the learned Sub Judge, Sivakasi, the keys of the aforementioned temple has not been handed over to the petitioner by the respondent. According to the petitioner, the Annual Masi Festival in the aforementioned temple, takes place between 03.03.2022 to 18.03.2022 and therefore, the keys will have to be handed over to the petitioner to enable the smooth conduct of the said festival between the said dates. According to the petitioner, even in the peace committee meeting held on 04.02.2022, a resolution was passed, under which the petitioner was permitted to take charge of the aforementioned temple and was also afforded police protection. In such circumstances, he seeks for the prayer sought for in this writ petition.



4.However, it is the contention of the learned Additional Government Pleader, appearing for the respondent that there is law and order problem and the proceedings under Section 144 Cr.P.C., has already been initiated, on 28.02.2022. The copy of the said proceedings has also been placed before this Court today.

5.The learned counsel for the petitioner disputes the said statement and he would submit that there is no law and order problem as projected by the respondent. He would submit that the petitioner is prepared to give a representation to the respondent, requesting them to hand over the keys of the aforementioned temple to him for the purpose of celebrating the Annual Masi Festival from 03.03.2022 to 18.03.2022.

6.This Court, after considering the submissions made by the respective counsels, is of the considered view that no prejudice will be caused to the respondent, if the petitioner is allowed to give a fresh representation, requesting the respondent to hand over the keys of the aforementioned temple to enable him to conduct the Annual Masi Festival referred to supra and the respondent on receipt of the said representation shall consider the same on merits and in accordance with law, after affording a fair hearing to the petitioner.

7.Accordingly, this Court directs the petitioner to submit the representation to the respondent requesting the respondent to hand over the keys of Arulmighu Kamba Kamatchi Amman Shri Kathavarayan Temple, situated at Sri Chakra Nagar, S.Sankaramoorthypatti, T.N.C.Alangulam, Vembakottai Taluk, Virudhunagar District, to the petitioner for celebrating the Annual Masi Festival from 03.03.2022 to 18.03.2022, based on the Judgment and Decree, dated 08.09.2020 passed in A.S.No.23 of 2016 passed by the learned Sub Judge, Sivakasi, forthwith and on receipt of the said representation, the respondent shall consider the same and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of two days, from the date of receipt of the said representation from the petitioner.

8.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



**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.

WEB COPY

To

The Tahsildar,  
Vembakottai Taluk,  
Virudhunagar District.

+1 CC to M/s.M.KANNAN, Advocate ( SR-9818[F] dated 03/03/2022 )

**W.P. (MD)No.3894 of 2022**

**03.03.2022**

KMV (CO)

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