



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.4378 of 2022

V.Malamanaicker,
Represented by its Trustee of
Shri Malaiyan Mayan Kovil Temple Trust,
Shri Malaiyan Mayan Kovil Temple,
North Mettupatti,
Velliyanai Theenbagam Village,
Karur.

... Petitioner

Vs.

1.The Assistant Commissioner,
Department of HR&CE,
11 AD, Saminathapuram,
1st Cross Street,
Karur.

2.The Inspector of Police,
Velliyanai Police Station,
Karur District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to permit the petitioner for conducting the temple festival on 17.03.2022, 25.03.2022, 26.03.2022 and 27.03.2022 at Shri Malaiyan Mayan Kovil Temple, Velliyanai Thenbaagam Village, Velliyanai Taluk, Karur District by considering the petitioner's representation dated 05.03.2022.

For Petitioner	: Mr.Niranjana S.Kumar
	For Mr.R.Vignesh
For Respondents	: Mr.P.Subbaraj
	Special Government Pleader

ORDER

The writ petition has been filed for a writ of Mandamus to direct the respondents to permit the petitioner for conducting the temple festival in Shri Malaiyan Mayan Kovil Temple, Velliyanai Thenbaagam Village, Velliyanai Taluk, Karur District.



2. It is the case of the petitioner that the petitioner has sent a representation, dated 05.03.2022 to the respondents herein to conduct the temple festival on the following four days:

S.NO	DATE	DAY	NAME OF THE FUNCTION
1	17.03.2022	Thursday	"Sammy Satuthal"
2	25.03.2022	Friday	Samy Alangaram and Poo Panthal
3	26.03.2022	Saturday	Thevar Attam and Oyil Attam (10.00PM)
4	27.03.2022	Sunday	Samy Kumbuduthal and Thiruvella and Malai Kumbuduthal (4.00 PM)

However, the respondents have not responded.

3. Opposing the prayer, the learned counsel for the respondents submits that the petitioner's representation has been considered and appropriate order has been passed by the Assistant Commissioner on 09.03.2022, by directing the petitioner to approach the Tahsildar and the Inspector of Police, second respondent herein.

4. One of the persons from the village, now represented by Mr. D.S.Haroon Rasheed, learned counsel submits that an earlier attempt was made by the petitioner who are claiming to conduct the temple festival by excluding the other community members from the village stating that only they are entitled to conduct the festival. The learned counsel for the aforesaid party submits that an attempt was made last year and three rival groups within the village were called upon for a Peace Committee Meeting and it was found that the group represented by the petitioner did not want other two groups to be involved in the temple festival. It is submitted that the writ petition was filed in the year 2020 and was dismissed as infructuous, vide order, dated 15.03.2021 in W.P.(MD).No.195 of 2020.

5. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the respondents.

6. The learned counsel for the petitioner at the time of hearing, had furnished the copy of the order passed by this Court in **S.Palavesamuthu Vs Superintendent of Police (2021) O Supreme(Mad) 2494** reported in Solutions Private Limited. In the aforesaid order, while granting relief to the petitioner, therein, it has been clearly stated that the last minute approaching of the Court before the temple festival is to be discouraged. The Court has also stated that if there are customary practices which are in place, it is only just and proper that the matter is resolved by the jurisdictional civil Court. The temple festivals are to be conducted on 17.03.2022 as detailed above.



7. Considering the above fact that the Assistant Commissioner/the first respondent herein has called upon the petitioner to approach the Tahsildar and the second respondent by inviting the other members of the village, I am inclined to dismiss the writ petition by directing the petitioner to approach the Office of the Tahsildar in presence of the Inspector of Police, positively, before 16.03.2022. The person representing the third party group, namely, Suburam shall intimate the other two groups to be present before the Tahsildar on 16.03.2022 at 11.30 a.m., for a resolution. The Tahsildar and the second respondent/Inspector of Police shall take an appropriate decision and intimate the decision to all the concerned parties on the same day.

8. The writ petition stands dismissed with the above observations. No costs.

Sd/-

Assistant Registrar(AE)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Assistant Commissioner,
Department of HR&CE,
11 AD, Saminathapuram,
1st Cross Street,
Karur.

2.The Inspector of Police,
Velliyanai Police Station,
Karur District.

3.The Tahsildar, Karur.

+1 CC to M/s.R.VIGNESH, Advocate (SR-11640[F] dated 11/03/2022)

+1 CC to M/s.SPL GP (SR-11860[F] dated 14/03/2022)

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11.03.2022

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TR(15.03.2022) 3P 6C