



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.8267 of 2022

and

W.M.P(MD).Nos.6152 and 6153 of 2022

Saravanan Servai

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
40, Muthuswamy Nagar,
Thiruppathur Road,
Sivagangai District.

2.Station House Officer,
Nachiyapuram Police Station,
Tiruppathur Taluk,
Sivagangai District.

3.C.Madhavan

4.S.V.Azhagu @ Alagappan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned resolution passed by the respondents 3 and 4 dated 31.3.2022 and quash the same and consequently directing the official respondents to ensure the peace and public tranquility in the Sri Ilayanachi Amman Kovil premises Tirupattur Taluk Sivagangai District based on the representation dated 16.04.2022.

For Petitioner	: Mr.R.M.Arunswaminathan
For R1 & R2	: Mr.P.Subbaraj
	Special Government Pleader
For R3 & R4	: Dr.C.Gunaseelarupan

ORDER

This writ petition has been filed for a writ of Certiorarified Mandamus to quash the resolution passed by the private respondents 3 and 4 on 31.03.2022.

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



2. It is the specific case of the petitioner that the temple Sri Ilayanachi Amman Kovil, Tirupattur Taluk Sivagangai District belongs to the villagers. However, a section of the persons belonging to a particular community are dominating the others and therefore temple festival is being conducted after brokering a peace by giving equal rights to the members of all the community. It is submitted on an earlier occasion, the third respondent, herein had approached this Court in W.P.(MD).No.22642 of 2019, which came to be disposed of vide order dated 30.10.2019 by recording that since a fit person had been already appointed by the Hindu Religious and Charitable Endowments Department and therefore, it is open for the parties to approach the sixth respondent/Joint Commissioner therein to establish their right till such then only fit person can conduct temple festival.

3. The learned counsel for the petitioner submits that the private respondents 3 and 4 along with one Muthuraman have now passed a resolution on 31.03.2022 and have decided to conduct the temple festival during Chitirai (சித்திரை) contrary to the order passed by this Court in W.P.(MD).No.22642 of 2019. The learned counsel for the petitioner further submits that there are communal under currents in force and there is every possibility of a deterioration in law order situation if temple festival is allowed to be conducted by sidelining members of other community.

4. The learned counsel for the respondents 3 and 4 submits that the meeting held pursuant to the impugned resolution passed on 31.03.2022. The meeting was held in presence of more than 200 villagers and a decision was taken to conduct the festival for a single day though the temple festival is normally held for ten days as the temple is not presently have enough fund. It is further submitted that the private respondents have also sent a representation to the Joint Commissioner, namely the first respondent, herein on 25.04.2022 along with the resolution, dated 22.04.2022, which was taken by the majority of the villagers. It is further submitted that there is no temple festival proposed to be held on 29.04.2022. On the other hand, it is submitted that the temple festival will be held on any Tuesday of Vaikasi (itfhrp) Month which would commence from 17.05.2022.

5. I have considered the arguments advanced by the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 and 2 and the learned counsel for the respondents 3 and 4.

6. It appears that the fit person though appointed has not been in control of the temple. Be that as it may, the private respondents have only communicated to the decision to conduct a temple festival and are waiting for appropriate approval from the first respondent/Joint Commissioner.



7. Considering the above, I am inclined to dispose this writ petition by directing the first respondent to act on the resolution dated 22.04.2022 and the representation dated 25.04.2022 after eliciting the views on situation on ground whether there is any threat to law and order from the Revenue Authorities. If the situation is congenial for the proposed temple festival of Sri Ilayanachi Amman Kovil, Tirupattur Taluk, Sivagangai District, the first respondent is directed to call upon the fit person and take a decision as to whether such a festival can be held. The first respondent is directed to consider the representation of the private respondents and dispose of the same by 06.05.2022. It is needless to state that before passing any such order, the petitioner shall be heard. The liberty is given to the petitioner to give any representation, if any. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar(CS)

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To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
40, Muthuswamy Nagar,
Thiruppathur Road,
Sivagangai District.

2.The Station House Officer,
Nachiyapuram Police Station,
Tiruppathur Taluk,
Sivagangai District.

+1 CC to M/s.C. GUHASEELARUPAN, Advocate (SR-21580[F] dated 27/04/2022)

+1 CC to M/s.SPL. GP (SR-22997[F] dated 29/04/2022)

W.P(MD).No.8267 of 2022
27.04.2022

MGJ(10.05.2022) 3P 5C