



W.P.(MD)No.13416 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.13416 of 2022

and

W.M.P(MD) No.9519 of 2022

Suba.Na.Ramanathan

... Petitioner

Vs.

1.The District Collector
Sivagangai District.

2.The Joint Commissioner
Hindu Religious and Charitable Endowment Board,
Sivagangai District.

3.The Superintendent of Police
Sivagangai.

4.The Sivagangai Samasthanam
Through its Manager,
Sivagangai District.

5.Subramaniam

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 2 and 4 to continue the practice of citing "Panchangam" through the petitioner in all the temples at Nerkuppai Village, Thirupathur Taluk, Sivagangai District and the respondents 1 and 3 to take appropriate legal action as against the fifth respondent for excommunicating the petitioner.

For Petitioner : Mr.VR.Shanmuganathan

For Respondents : Mr.P.T.Thiraviam, - R1 to R3
Government Advocate

Mr.S.Madhavan, - R4
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 2 and 4 to continue the practice of reciting "Panchangam" through the petitioner in all the temples at Nerkuppai Village, Thirupathur Taluk, Sivagangai District and to direct the respondents 1 and 3 to take appropriate legal action as against the fifth respondent for excommunicating the petitioner.



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2. The contention of the petitioner is that the petitioner belongs to Brahmin community and reciting "Panchangam" his profession, the same is done by him as hereditary. The fourth respondent Samasthanam had appointed the petitioner's grandfather Late.Ramasubramania Iyer as "Panchangam" to Pariamarthipatti Pariamarutheeswarar and Sevuga Moorthy Iyyanar Temple and to Nerkuppai Manomothakandeeswarar Temple and also to other village temples at Nerkuppai Village, Thirupathur Taluk. After his demise, the petitioner's father Suba Natarajan was the "Panchangam". After that, the petitioner is rendering the said service for the past 22 years. He had completed Diploma in Textile Engineering and was employed in a Private Textile Mill in Orissa. He resigned his job for the purpose of performing the said service to the temple. He has performed his service without any black mark or blemish.

3. The petitioner had purchased a small extent of land in Survey No.506 from one Thennammai Achi and Azhagappan Chettiar in the name of his wife Venkatagomathi. The same was fenced and he is cultivating the lands. The fifth respondent, who is the adjacent owner, is creating



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unnecessary problem with an intention to grab the petitioner's land. In this regard, the petitioner lodged a complaint with the local police and C.S.R.No.74 of 2020 dated 29.07.2020 was assigned. Thereafter, the police advised both the parties to approach the civil Court. The petitioner filed a suit in O.S.No.86 of 2020, on the file of the District Munsif Court, Thirupathur, which is pending. However, the Revenue Divisional Officer, Devakottai, had initiated proceedings under Section 145 Cr.P.C. on 05.10.2020 and the same is pending. Since the evil design of the fifth respondent did not fructify, the fifth respondent, joining hands with few others, started to claim that they will not permit the petitioner to live in Nerkuppai Village and they will not do "Panchangam" service in any of the temples at Nerkuppai Village. Further, they have also threatened the temple administration that if the petitioner is permitted to perform "Panchangam" service at any temple, they will not permit them to conduct the festivals and create obstructions.

4. The "Panchangam" service is on the first day of Tamil Chithirai month (14.04.2022) and due to apprehending trouble from the fifth



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respondent and his men, the petitioner gave a representation to the Revenue Divisional Officer, Devakottai, the Superintendent of Police and the local police on 22.03.2022 and 24.03.2022. The fifth respondent and his men have declared that they have ex-communicated the petitioner and if anyone from Keezhatheru of Nerkuppai Village have any relationship with the petitioner, a fine of Rs.50,000/- (Rupees Fifty Thousand only) would be imposed on them and they would also be ex-communicated, against which, the petitioner had made a complaint to the Superintendent of Police, Sivagangai District, (third respondent herein). Since no action has been taken, the petitioner filed a writ petition in W.P.(MD) No.7059 of 2022 seeking a writ of Mandamus. The said writ petition was disposed of by order, dated 13.04.2022 with a direction to the Superintendent of Police, Sivagangai District, to consider the petitioner's request. The fifth respondent and his men in a drunken mood, caused annoyance, threatened the petitioner and caused confusion at the temple and successfully prevented the reciting of "Panchangam" by the petitioner.



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5. The car festival for the aforesaid temple was scheduled to be held from 01.07.2022 to 10.07.2022. The fifth respondent and his men are continuing to threaten the villagers. In this regard, the petitioner had sent a representation to the second respondent on 13.06.2022. The Ambalakarar of the village had also written to the fourth respondent Samasthanam, regarding the aforesaid issue on 16.06.2022. But till date, no action has been taken. Hence, the petitioner has no other option except to come up with this writ petition.

6. In support of his contention, the learned counsel for the petitioner has produced a copy of the order, dated 29.04.2013 passed by the State Human Rights Commission; C.S.R.No.74 of 2020 dated 29.07.2020 and the Revenue Divisional Officer, Devakottai, had issued proceedings under Section 145 Cr.P.C., on 05.10.2020.

7. The learned Government Advocate appearing for respondents 1 to 3 submitted that there is no restriction for the petitioner for reciting "Panchangam" in the temple. It is for the fourth respondent Sivagangai



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Samasthanam, who are hereditary trustees to regulate the petitioner's service. As on date, no complaint or no petition was pending before the respondents 1 to 3, against the petitioner. The allegation made by the petitioner against the fifth respondent seems to be a civil dispute, with regard to their cultivating of lands as an adjacent owner, for which, they are approaching the authorities for appropriate relief.

8. He would further submit that he has also produced the enquiry report based on the enquiry conducted on the petitioner's complaint, dated 22.06.2022, for which, C.S.R.No.109 of 2022 was assigned. Based on the complaint given by the petitioner, one P.Subramaniyan, Subbiah, Selvam, Sevugan, Segappan and Nagarajan were called for an enquiry and all of them gave statements that they have no objection for the petitioner's reciting "Panchangam" in the temple. Further, the complaint lodged against them is false.

9. From the said report, it is seen that the enquiry has been conducted on 28.06.2022, notice was served to the petitioner, who has



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received the same and thereafter, the petitioner had failed to respond to the same. The respondents were called for enquiry and they appeared and their statements were recorded wherein they stated that they are denying the allegations made by the petitioner and after due enquiry and recording the statement, C.S.R.No.109 of 2022 has been closed.

10. The learned Standing Counsel appearing for the fourth respondent submitted that the petitioner is doing service of reciting "Panchangam" which is a hereditary service rendered by him. Prior to him, petitioner's grandfather Late Ramasubramania Iyer, recited "Panchangam". The petitioner was never restricted by the temple administrative authorities in any manner from rendering his service. As on date, no complaint has been received against the petitioner and the petitioner is rendering his service to the temple with regard to reciting "Panchangam". The dispute with the fifth respondent is only with regard to cultivating rights, which is purely civil in nature.



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11. The fifth respondent submitted that the petitioner on illusion had lodged a complaint. The petitioner has got nothing to do with the recital of "Panchangam" by the respondents. The fifth respondent was not aware about the religious service rendered by the petitioner. The petitioner and the fifth respondent are the adjacent land owners and there was some dispute between them with regard to the boundaries and enjoyment of rights, for which, civil suit has been filed, which would decide their rights. The petitioner has been making false allegations by sending complaints to various authorities for the past several years to deter the fifth respondent and others to claim their civil rights. The petitioner is using this complaint as a ploy to brook vengeance against the fifth respondent and others. The fifth respondent further submitted that they have no objection for the petitioner for reciting the "Panchangam" and it is for the fourth respondent administration and authorities of the temple to decide the same.

12. In view of the submissions made by the learned counsel appearing for both sides and on perusal of the materials placed before this Court, this Court finds that the petitioner's apprehension is only an illusion



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and the fourth respondent Samasthanam admits that the petitioner has been reciting "Panchangam" to the temple and prior to him, his grandfather recited "Panchangam" and the same has been done by the petitioner's family hereditarily and hence, there is no objection for reciting "Panchangam" by the petitioner, on the anointed days.

13. Recording the same, this writ petition is closed. No costs.
Consequently, connected miscellaneous petition is closed.

30.06.2022

Index : Yes / No

Internet : Yes / No

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Note : Issue Order copy on 01.07.2022



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M.NIRMAL KUMAR, J.

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