



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD) No.16255 of 2020

Vairavan

...Petitioner

/Vs./

1.The District Collector,
Ramanathapuram, Ramanathapuram District.

2.The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.

3.The Additional Superintendent of Police,
Kamuthi, Ramanathapuram District.

4.The Deputy Commissioner,
H.R. & C.E. Office, Paramakudi,
Ramanathapuram District.

5.The Tahsildar,
Kadaladi Taluk, Ramanathapuram District.

6.The Block Development Officer (Village Panchayat),
Kadaladi, Ramanathapuram District.

7.The Inspector of Police,
Perunaali Police Station,
Ramanathapuram District.

8.Periyamariappan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the 5th respondent to hand over the My village GOD Sri Ucchimakaliyamman temple key, 7th respondent police give adequate police protection for Right to worship based on the petitioner's representation dated 16.10.2020.

For Petitioner	: Mr.A.Arputharaj
For R1 to R3, R5 and R7	: Mr.A.Thiruvadikumar, Additional Public Prosecutor
For R4	: Mr.P.Subbaraj, Special Government Pleader
For R6	: No Appearance
For R8	: No Appearance



ORDER

This Writ Petition is filed seeking for a direction to the first respondent to hand over the key of the temple to the petitioner.

2. According to the petitioner, he is the priest of the temple, where certain disputes arose between two communities in performing poojas. Therefore, the key has been kept by the first respondent. The petitioner being the priest sought for a direction to perform pooja and also for handing over the key by the first respondent.

3. The learned Additional Public Prosecutor appearing for the respondents 1 to 3, 5 and 7 would submit that there was a dispute between two community groups. As one of the groups was not permitted to conduct pooja, the dispute arose, which resulted in referring the matter under Section 107 of Cr.P.C, which is still pending. Considering the law and order problem, the key has been handed over to the 5th respondent. Hence, it is submitted that if the key is handed over to the petitioner, it will create again law and order problem.

4. Taking note of the fact that the proceedings under Section 107 of Cr.P.C., are still pending and there was some dispute over the worship and some of the persons were not permitted in the temple, this Court is of the considered view that the key cannot be handed over to only few people. If any festival is to be conducted, it should be conducted with the permission of the revenue officials and also H.R. & C.E., officials. They will have to decide to conduct any festival in the temple and till entire dispute is resolved, nobody can claim exclusive right to use the temple. Further, the villagers are entitled to enter into the premises for worship purposes and no one can be denied entering into the temple on the ground of caste. The above observation is to be kept in mind by the revenue officials and the 5th respondent, while allowing the people for any worship or celebrations in the temple.

5. With the above observation, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS 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.

To

- 1.The District Collector,
Ramanathapuram, Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.
- 3.The Additional Superintendent of Police,
Kamuthi, Ramanathapuram District.
- 4.The Deputy Commissioner,
H.R. & C.E. Office, Paramakudi,
Ramanathapuram District.
- 5.The Tahsildar,
Kadaladi Taluk, Ramanathapuram District.
- 6.The Inspector of Police,
Perunaali Police Station,
Ramanathapuram District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.SPL.GP (SR-5721[F] dated 11/02/2022)

W.P. (MD) No.16255 of 2020

10.02.2022

_SS/24.02.2022 : 3P/9C