



W.P(MD).No.17244 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.17244 of 2022

Musiri Irrigation Canal and Ground Water
Conservation Society,
Represented by its President,
A.Ramesh.

... Petitioner

Vs.

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Assistant Commissioner,
O/o Hindu Religious and Charitable Endowments Office,
Malaikottai, Trichy-2.
- 3.The Executive Officer,
O/o Hindu Religious and Charitable Endowments Office,
Chandramouleshwarar Temple Complex,
Musiri, Trichy District.
- 4.A.R.Kasthuri Nattar,
The President,
Thiruvizha Committee.
No.6/49, Kallar Post,
Ayyampalayam Post,
Musiri Taluk,
Trichy-621202.

...Respondents

(R4 is impleaded vide Court order dated
11.08.2022 in W.M.P(MD)No.13115 of 2022)



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 and 3 to permit the petitioner and his area peoples to participate and to deity with worship in Sri Bagavathi Amman, Sri Mariamman and Sri Ilayandi Amman Temples festival, this year the temple celebration is scheduled to be conducted one month from 12.08.2022 to 12.09.2022 and consequently directing the respondents to allow the Samy Chariot and procession came to the petitioner's area namely Peramoor Colony, Pallatheru North, Ambedkar Nagar and Bharathi Nagar, based on the petitioner's representation, dated 22.07.2022.

For Petitioner	: Mr.P.R.Boomee Rajan
For R1 & R2	: Mr.M.Lingadurai Special Government Pleader
For R3	: Mr.Chandrasekar Standing Counsel
For R4	: Mr.T.A.Punithan

ORDER

The contention of the petitioner is that in his village there are three temples, namely, Sri Bagavathi Amman, Sri Mariamman and Sri Ilayandi Amman Temples. The festival was conducted yearly involving all community of people. The petitioner belongs to scheduled caste community. Due to discriminative attitude, the other caste people conducting festival, not collecting contribution from the petitioner's group. There are around 300 families and 3000 scheduled caste peoples in his village. This year festival is stated to be held between 12.08.2022 and 12.09.2022. During the festival, the



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temple chariot is taken around the streets of the village, in the streets residing by the Scheduled Caste/Scheduled Tribes people, namely, Peramoor Colony, Pallatheru North Street, Ambedkar Nagar and Bharathi Nagar, the temple chariot does not enter, it is a discriminatory attitude leading to untouchability. Hence, the petitioner sent representation to the respondents 1 to 3 on 22.07.2022. The temple is under the control of HR&CE Department. There are various guidelines emphasizing that there should be no discrimination in worship of god based on caste basis. He further submitted that earlier he obtained information through RTI in the year 2013, which confirms that there is no custom allowing Schedule Caste people to carry பல்லக்கு and to participate in the Palkudam festival. He further referred to the earlier order passed by this Court in W.P(MD)No.3181 of 2014, dated 25.02.2014 and W.P(MD)No.12142 of 2013, dated 23.09.2014, wherein, this Court earlier given directions to consider similar representation, though years have passed by the situation has not changed, the discrimination continues.

2. The learned Special Government Pleader for the respondents 1 and 2 submits that Peace Committee Meeting was held on 08.08.2022. In the Peace Committee Meeting, it was decided that as per the earlier custom chariot festival as well as temple festival can be held. On instructions, he further submitted that the natives of the villagers, belonging to Schedule Caste



community have no objections for the chariot procession passing through customary procession. As far as the petitioner is concerned, he settled in the village only 20 years back and he is not a native of the village and he is not aware of the village custom and worship. One P.Manoharan earlier filed W.P(MD)No.13550 of 2013, this Court by order, dated 16.08.2013 observed “following the custom and procedure, festival to be conducted in a peaceful manner”, with adequate police security.

3. The learned Standing Counsel for the third respondent submits that the Executive Officer enquired and found that in Mariamman Kovil festival, three persons tie Kappu, out of which one person is from Schedule Caste community. Likewise, in Ilayandi Amman Kovil festival, three persons tie kappu, out of which one person is from Schedule Caste community and for Sri Bhagavathi Amman Kovil festival, five persons tie Kappu, out of which one person from Schedule Caste community. During the chariot festival, first goat sacrifice is given by person from Schedule Caste community. Likewise, after completion of chariot procession, ritual by person belonging to Schedule Caste. Hence, there is no discrimination in the temple festival and in regular pooja. The festival is a village festival, wherein, all people participate. He further referring to the documents produced by the petitioner submitted that the chariot passes by Ambedkar Nagar Bund, the nearby residents all come



and worship the god. He further submits that this writ petition is not all maintainable. The petitioner's society is an un-registered society and filed this petition using the name of the association, which is not permissible referring to the judgment of this Court in W.A.No.62 of 2000 reported in 2010 SCC online Mad 3428, this Court held that unregistered society cannot file writ petitions in the name of society. He further submitted that there are 22 streets in the village, chariot procession does not pass through all streets including Agragram Street. The procession route is followed from the year 1979 onwards without any deviation.

4. The learned counsel for the fourth respondent submits that he is President of Temple Festival Committee, the festival is conducted as per the scheme, from the year 1979 with participation of all villagers. This scheme is followed strictly. As per the scheme, recognition and rights of scheduled caste people recorded, which is still followed. The petitioner not a native of the village, does not know about the custom and usage of the village. As far as the native of the village, all participate and have no objection for the festival conducted as followed from the year 1979. The village is in harmony and peace. The fourth respondent's wife is from depressed community and he is a role model for equality and social justice. Earlier, two other persons, namely, Muthurathinam and Ramesh filed writ petitions for similar reliefs. This Court



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disposed both petitions, observing that all should participate in the festival.

There should be no discrimination in worship of god.

5. Considering the submission and on perusal of the materials, it is seen that it is a village festival, all community people participate and some rights and privileges given to the Scheduled Caste people during festival.

6. In view of some displeasure, which might lead to trouble during the temple festival and temple car procession. The Deputy Superintendent of Police, Musiri is directed to monitor the situation and post sufficient force to ensure peace and tranquility. The writ petition stands disposed. No costs.

11.08.2022

Index : Yes / No
Internet : Yes/ No
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Note: Issue order copy on 16.08.2022



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To

WEB COPY

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Trichy District,
Trichy.
- 2.The Assistant Commissioner,
O/o Hindu Religious and Charitable Endowments Office,
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M.NIRMAL KUMAR, J.

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