



W.P(MD)Nos.20334 and 20408 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.20334 and 20408 of 2022

W.P.(MD)No.20334 of 2022:-

M.Karthimani

... Petitioner

Vs.

1.The Tahsildar,
Gujiliyamparai Taluk,
Gujiliyamparai,
Dindigul District.

2.The Inspector of Police,
Gujiliyamparai Police Station,
Gujiliyamparai,
Dindigul District.

3.P.Thambidurai

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent herein to permit the petitioner to conduct the temple festival of “Arulmigu Sri Seelaikari Amman” and “Arulmigu Sri Bomma Thevar” schedule on 02.09.2022 to 04.09.2022 which are situated at Servaikaranpatti Village, Gujiliyamparai Taluk, Dindigul District and further direct the 2nd respondent to give necessary police protection based on the petitioner's representation dated 10.08.2022.



W.P(MD)Nos.20334 and 20408 of 2022

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.N.Ramesh Arumugam,
Govt. Advocate for R1 & R2.
Mr.S.Gokul Raj for R3.

W.P.(MD)No.20408 of 2022:-

Pon.Thambidurai

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Palani, Dindigul District.

3.The Tahsildar,
Gujiliyamparai Taluk,
Dindigul District.

4.Karthickmani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to grant permission to conduct “Palalaiyam” and “Kumbabisekam” in the temple namely “Sri Selaikaari Amman Sametha Sri Bommathevar Kovil” situated at Servaikaranpatti, Gujiliyaparai Taluk, Dindigul District by hand over key to the petitioner based upon the petitioner's representation dated 16.08.2022.



W.P(MD)Nos.20334 and 20408 of 2022

For Petitioner : Mr.S.Gokul Raj

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R3.
Mr.G.Gomathi Sankar for R4.

COMMON ORDER

Heard the learned counsel on either side.

2.The subject matter pertains to the manner of celebration of the petition mentioned temple events.

3.There is no consensus between the group led by Mr.Pon.Thambidurai and the group led by Mr.M.Karthimani. Peace committee meeting was organized by the Tahsildar, Gujiliyamparai Taluk. But as he could not resolve the differences, he passed the order bearing Na.Ka.No.325/2022A2, dated 27.08.2022 restraining the holding of the temple festival. A copy of the order has been produced before me. I went through its contents. The Tahsildar has not referred to any statutory provision whereby he could not have passed such a restraint order. If the provisions of Criminal Procedure Code have been invoked, then it would be a different matter altogether. But in this case, no formal proceedings under Criminal Procedure Code have been initiated.



W.P(MD)Nos.20334 and 20408 of 2022

Therefore, I have no hesitation to set aside the order dated 27.08.2022 passed by the Tahsildar, Gujiliyamparai Taluk as it is patently lacking jurisdiction. At the same time, I cannot grant any relief in either of the writ petitions. When the private parties are at loggerheads and in matters relating to temple festival, in writ proceedings it may not possible for this Court to hold an enquiry and adjudicate. The parties will have to workout their remedies in the manner known to law. I make it clear that I have not gone into the merits of the matter. If any law and order problem arises, then obviously the Inspector of Police, Gujiliyamparai Police Station is bound to interfere. The Village Administrative Officer is directed to return the keys to the respective persons from whom they were taken.

4. These writ petitions are disposed of accordingly. No costs.

30.08.2022

Index : Yes / No

Internet : Yes/ No

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Issue order copy on 30.08.2022.



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To:

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Dindigul.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Palani, Dindigul District.
- 3.The Tahsildar,
Gujiliyamparai Taluk,
Dindigul District.
- 4.The Inspector of Police,
Gujiliyamparai Police Station,
Gujiliyamparai,
Dindigul District.



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W.P(MD)Nos.20334 and 20408 of 2022

G.R.SWAMINATHAN, J.

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