

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.A(MD)No.1014 of 2022
and
C.M.P(MD)Nos.8161 & 8162 of 2022**

M.Mathi Murugan ... Appellant/Respondent No.4

VS.

1.K.Chellakannu ... Respondent No.1/Writ Petitioner

2.The District Collector,
Pudukkottai District,
Pudukkottai.

3.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.

4.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

... Respondents Nos.2 to 4/
Respondents 1 to 3

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 25.08.2022 passed in W.P(MD)No.19566 of 2022, on the file of this Court.

For Appellant : Mr.T.Lajapathi Roy
For RR 2 to 4 : Mr.S.P.Maharajan
Special Government Pleader

JUDGMENT

[Judgment of the Court was made by R.MAHADEVAN, J.)

This Writ Appeal is directed against the order dated 25.08.2022 passed by the learned Judge in W.P(MD)No.19566 of 2022, which was filed by the first respondent herein.

2. In the order impugned herein, the learned Judge, while disposing the aforesaid writ petition, has made the following observation:

"2.The relief sought for in the Writ Petition cannot be granted. However, I make it clear that it is not open to the respondents 1 to 3 to interfere in the performance of the petitioner mentioned Kumbabisegam. I also place on record that the petitioner undertakes that he is willing to receive donation / thalakattu vari from all the persons."

Aggrieved over the above observation, the fourth respondent in the Writ Petition, is before this Court with the present Writ Appeal.

3. The learned counsel appearing for the appellant submitted that there cannot be any discrimination in permitting all the communities to participate in the Kumbabisegam scheduled to be conducted in the subject temple, but the attempt of the respondents 2 to 4 / officials, is to avoid the people belonging to the Scheduled Caste from participating and paying donation / Thalakattu vari etc. Therefore, the learned counsel prayed for appropriate direction to the respondent officials in this Writ Appeal.

4. Opposing the submissions so made by the learned counsel for the appellant, the learned Special Government Pleader appearing for the respondents 2 to 4 authorities contended that there is no discrimination in performing the temple Kumbabhishekam, as alleged by the appellant herein and they are carrying on such process in accordance with law.

5. This Court considered the submissions made by the learned counsel appearing for both sides and also perused the order impugned herein.

6. It could be seen that the appellant has preferred this Writ Appeal on the apprehension that the terminology employed in the above referred paragraph of the order passed by the learned Judge, may not include the people belonging to the Scheduled Caste, in specific. However, this Court is of the view that the order impugned herein does not say so. Admittedly, the temple is a place of worship, common to all devotees, who have every right to participate out of their faith towards God. They cannot be discriminated based on caste, creed and colour and any such discriminatory practice will run counter to the principles enshrined in the Constitution. Therefore, this Court is inclined to clarify paragraph No.2 of the order impugned herein to the effect that *"it refers to all sections of the people, including those belonging to Scheduled Caste / Scheduled Tribes"*.

7. With the above clarification, this Writ Appeal is disposed of. It is made clear that all the parties shall co-operate with the respondent officials for the smooth conduct of Kumbabisegam of the subject temple. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D.,J.] & [J.S.N.P.,J.]
08.09.2022

Index : Yes / No
Internet : Yes
ps

Note :- Issue Order Copy on 08.09.2022.

To

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.
- 3.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

W.A(MD)No.1014 of 2022

R.MAHADEVAN,J.

and

J.SATHYA NARAYANA PRASAD,J.

ps

**ORDER MADE IN
W.A(MD)No.1014 of 2022**

08.09.2022