



WP(MD)No.22124 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.09.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.22124 of 2022

Subbaiah

... Petitioner

/vs./

1. The District Collector
Tenkasi District, Tenkasi
2. The Revenue Divisional Officer
Tenkasi, Tenkasi District
3. The Superintendent of Police
Tenkasi District, Tenkasi
4. The Tahsildhar
Kadayanallur Taluk
Tenkasi District
5. The Sub Inspector of Police
Serndhamaram Police Station
Tenkasi District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to permit the 12 families to conduct Arulmighu Vadakasi Amman Temple Annual Festival in the



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Tamil month of Purattasi at Thirumalapuram, Kadaiyanallur Taluk, Tenkasi District under their supervision, on the basis of the representation of the Petitioner dated 02.09.2022.

For Petitioner : Mr.P.Krishnasamy
For Respondents : Mrs.K.Christy Theboral
No.1,2 and 4 Additional Government Pleader
Nos.3 and 5 Mr.R.Sivakumar
Government Advocate(Crl.Side)

ORDER

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the Respondents to permit the 12 families to conduct Arulmighu Vadakasi Amman Temple Annual Festival in the Tamil month of Purattasi at Thirumalapuram, Kadaiyanallur Taluk, Tenkasi District under their supervision, on the basis of the representation of the Petitioner dated 02.09.2022.

2.The learned Additional Government Pleader takes notice for the Respondents 1,2 and 4 and the learned Government Advocate (Crl.Side) takes notice on behalf of Respondents 3 and 5 . By consent, the Writ Petition itself is taken up for final disposal.



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3. Heard the learned Counsel for the Petitioner, learned Additional Government Pleader and the learned Government Advocate(Crl.Side) appearing for the Respondents.

4. The learned Counsel appearing for the Petitioner would submit that the Petitioner had been ex-communicated by the villagers thereby they have restrained the temple authorities from collecting dues from the family of the Petitioner and restraining the Petitioner from entering into the temple.

5. The learned Additional Government Pleader submit that there had been peace committee meeting yesterday.

6. The learned Government Advocate(Crl.Side) appearing for the Respondents, on instructions, would submit that there had been peace committee meeting and the Petitioner also participated in the said meeting.



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7. In the light of the submission of the learned Counsel for the Petitioner, learned Additional Government Pleader and the learned Government Advocate(Crl.Side) and in the light of the peace committee meeting, the Collector is well within his power to permit the Petitioner to participate in the Arulmighu Vadakasi Amman Temple Annual Festival in the Tamil month of Purattasi at Thirumalapuram, Kadaiyanallur Taluk, Tenkasi District if he is restrained by the villagers, even otherwise he cannot be restrained by any old practice of ex-communication.

8. The Collector, Tenkasi District and the Superintendent of Police, Tenkasi District are advised to act as per the reported rulings of this Court in the case of ***Rajendran and Ors vs. The State in Crl.O.P(MD) No.28886 of 2003*** wherein it is stated that the age old practices are not in tune with the present day and with the provisions of Constitution of India.



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20.09.2022

Index : Yes / No

Internet : Yes / No

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Note : Registry is directed to circulate the reported judgment of this Court for follow up action by Respondents 1 and 3.

To:

1. The District Collector
Tenkasi District, Tenkasi
2. The Revenue Divisional Officer
Tenkasi, Tenkasi District
3. The Superintendent of Police
Tenkasi District, Tenkasi
4. The Tahsildhar
Kadayanallur Taluk
Tenkasi District
5. The Sub Inspector of Police
Serndhamaram Police Station
Tenkasi District
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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