



W.P(MD)No.22565 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.10.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22565 of 2022

Dharmaraj

..Petitioner

Vs

- 1.The District Collector,
Office of the Collectorate Building,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Office of the Collectorate Building,
Sivagangai District.
- 3.The Tahsildar,
Office of the Tahsildar,
Manamadurai,
Sivagangai District.
- 4.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.
- 5.The Inspector of Police,
Palayanur Police Station,
Sivagangai District.

6.Nageshwaran

..Respondents



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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 Nos. 1 to 3 to permit the petitioner to conduct temple festival for worshipping on 07.10.2022 in Sri Pon Muniyandi Kovil situated at Natham Survey No.28/1, Pulavarseri Village, Thamaraiyadi Revenue Village, Manamadurai Taluk, Sivagangai District by considering the petitioner's representation dated 16.09.2022.

For Petitioner	:Mr.D.S.Haroon Rasheed
For R1 to R3	:Mr.D.Sadiq Raja Additional Government Pleader
For R4 & R5	: Mr.B.Thanga Aravindh Government Advocate
For R6	: Mr.R.Venkatesan

ORDER

The petitioner has filed the Writ Petition seeking issuance of a Writ of Mandamus, directing the respondents 1 to 3 to permit him to conduct temple festival for worshipping on 07.10.2022 in Sri Pon Muniyandi Kovil situated at Natham Survey No.28/1, Pulavarseri Village, Thamaraiyadi Revenue Village, Manamadurai Taluk, Sivagangai District by considering the petitioner's representation dated 16.09.2022.

2.The petitioner submits that he is doing all the social work for the welfare of the village. Due to which, in the year 2020 the 6th respondent created



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an issue in the temple festival and wants to worship separately. In the meanwhile, there is a construction work also going on in his village for making savadi and on that time, the 6th respondent tries to demolish the same. During the year 2021, the village people decided to celebrate temple festival on 08.10.2021, on that time also the 6th respondent created a problem and the Peace Committee Meeting also conducted by the third respondent on 05.10.2021 and decision was taken by the third respondent that “ In the peace committee meeting there are lot of points established by both the parties and both sides not agreed each other, in order to avoid the law and order issued in the village and also the Government banned all the festival for the Covid-19 pandemic, this year we concluded that not to conduct the temple festival by both the parties. If anyone violate this order, a proper action will be taken”.

3. The petitioner further submits that after taking the above said decision in the Peace Committee Meeting, last year temple festival was not conducted by the petitioner, but the 6th respondent and his family alone violating the order passed by the third respondent and separately worshipping the temple. Due to which, he filed a writ petition for taking action against the 6th respondent and his family members. This year all the village people eagerly waiting to participate in the temple festival in the Tamil month of Purattasi and also



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worshipping the Sri Pon Muniyandi Kovil. Except the 6th respondent, all the village people decided to conduct festival only for worshipping. If he agreed to participate along with the village people welcome him in the festival, if not agrees he can conduct festival on some other dates. Due to the same, the petitioner made a representation to the respondents 1 to 5 on 16.09.2022 through post and the same also received by the respondents, even though no fruitful result arrayed at. In the meantime, the Tahsildar, Manamadurai has sent a communication, dated 05.10.2022 to the Government Pleader. The said communication shows that since a case is pending before the Court of law with respect to the Village Public Temple namely, Sri Pon Muniyandi Kovil, there cannot be any conduct of festival with regard to the Temple till the disposal of the case.

4.The petitioner further submits that he approached the respondents and gave a representation on 16.09.2022 seeking permission for conducting "Temple Festival" scheduled on 07.10.2022. However, the same was not considered by the respondents. Though the date scheduled for conducting festival has come to an end, the petitioner may be permitted to conduct the said festival in any other auspicious day. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.



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5.Mr.D.Sadiq Raja, learned Additional Government Pleader, who takes notice for the respondents 1 to 3, submitted that there is a dispute between two groups in the village for conducting temple festival, the Tahsildar, Manamadurai decided that since a case is pending before the Court of law with respect to the Village Public Temple, there cannot be any conduct of festival with regard to the said Temple till the disposal of the case.

6.Considering the above said facts and circumstances of the case and also the submissions made by the learned counsel on either side, this Court directs the petitioner to conduct the festival in the presence of the Tahsildar by fixing the convenient date for both side for this year alone subject to the following conditions:-

(i) There will be no first respect to any person, whoever may be the owner or anybody.

(ii) There will be no ceremony, which will prohibit any person from participating in the festival.

(iii)As it is necessary, the fifth respondent shall give police protection.

(iv) There will be no consumption of alcohol.

(v) There will be no cultural activities.



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7. The third respondent/Tahsildar is directed to supervise the temple festival conducted by the petitioner.

8. In view of the above observation, this writ petition is disposed of. No costs.

Index :Yes/No

Internet :Yes/No

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Note: Issue Order copy on 12.10.2022

11.10.2022

To

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V.BHAVANI SUBBAROYAN, J.

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