



W.P.(MD)No.23277 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2022

CORAM

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

W.P.(MD)No.23277 of 2022

K.Sakkarai

... Petitioner

Vs.

1.The Sub Inspector of Police,
Paralachi Police Station,
Aruppukottai Taluk,
Virudhunagar District.

2.The Revenue Divisional Officer,
Aruppukottai Taluk.

3.G.Solaiyappan

... Respondents

(R2 impleaded *suo motu* vide order of this Court, dated 06.10.2022)

(R3 impleaded vide order of this Court, dated 10.10.2022, vide W.M.P(MD)No.17396 of 2022)

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent, dated 30.09.2022 and to quash the same and to direct the respondent to permit the Nayakkar community people of Thoppalakkarai Village to conduct Purattasi festival relating to Sri Pattaththarasi Amman Koil and Ayyanar Koil situated in Thoppalakkarai Village on 11.10.2022 and 12.10.2022.



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For Petitioner :Mr.D.Sivaraman
For R1 and R2 :Mr.B.Nambi Selvan
Additional Public Prosecutor
For R3 :Mr.G.Mariappan

ORDER

This Writ Petition is filed to quash the impugned order passed by the first Respondent, dated 30.09.2022 and to direct the first Respondent to permit the Nayakkar community people of Thoppalakkarai Village to conduct Purattasi festival relating to Sri Pattaththarasi Amman Koil and Ayyanar Koil situated in Thoppalakkarai Village on 11.10.2022 and 12.10.2022.

2.Heard the learned Counsel for the Petitioner, the learned Additional Public Prosecutor appearing for the Respondents 1 and 2 and the learned Counsel for the third Respondent.

3.The learned Counsel for the Petitioner submits that there shall not be any clash between the Petitioner and the rival claimants regarding Pattaththarasi Amman Temple. The learned Counsel for the Petitioner seeks an order as per the earlier order passed by this Court in W.P.(MD)No.21109 of 2019, dated 01.10.2019, which as follows:



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"8. This Writ Petition is filed challenging the impugned order passed by the 4th respondent, thereby, rejecting the permission to conduct Purattasi festival for Sri Pattaththarasi Amman Koil and Ayyanar Koil to be conducted on 08.10.2019 and 09.10.2019 situated at Thopalakarai village, Aruppukottai Taluk. The petitioner is representing on behalf of Rajakambala Nayakkar Community and the counterpart is representing on behalf of the other community. Admittedly, both are having separate temples, namely, Veera Jakkammal @ Sri Pattaththarasi Amman Kovil belong to the petitioner's community and Sri Renga Naachi Amman @ Irangu Muthamman Temple belongs to the counterpart community. There is a dispute in respect of Sri Renga Naachi Amman Irangu Muthamman temple and the counterpart filed a suit in O.S.No.113 of 2019 for declaration and it is pending on the file of the learned District Munsif Court, Aruppukottai. It is also seen that peace committee meeting was conducted by the second respondent in respect of the counterpart temple namely Sri Renga Naachi Amman @ Irangu Muthamman Temple. Insofar as the petitioner's temple is concerned, there is no dispute between the petitioner and the counterpart. Now, the learned counsel, who appears on behalf of the counterpart has no objection to conduct Purattasi festival in Sri Pattaththarasi Amman Koil and Ayyanar Koil situated at Thopalakarai, Aruppukottai Taluk on condition that there should not be any procession and fire crackers.

9. The learned Additional Public Prosecutor appearing for the respondents submitted that if there is no issue between the petitioner and the counterpart, the respondent police is ready to permit the petitioner to conduct Purattasi festival insofar as Sri Pattaththarasi Amman Koil and Ayyanar Koil.

10. Considering the above facts and circumstances of the case, the impugned order passed by the 4th respondent is set aside and the 4th respondent is directed to permit the petitioner to conduct Purattasi festival for Sri Pattaththarasi Amman Koil and Ayyanar Koil situated at Thopalakarai village, Aruppukottai Taluk to be conducted on 08.10.2019 and 09.10.2019 by imposing certain conditions in the manner known to law.

11. Further the petitioner should not conduct any procession for Sri Pattaththarasi Amman Koil and Ayyanar Koil and should not use any fire crackers during the festival and should not create any nuisance to the general public.

12. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed."



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4.The learned Counsel for the contesting Respondent submitted that there shall not any temple honour and if there is any violation of condition, the Petitioner as well as the contesting Respondent are wholly responsible.

5.The Revenue Divisional Officer concerned is present in Court. In the presence of the Revenue Divisional Officer, the undertakings given by both the parties are recorded.

6.Considering the above, the impugned order passed by the first Respondent, dated 30.09.2022 is quashed. The first and second Respondents are directed to permit the Petitioner to celebrate the aforesaid temple festival and pass appropriate orders in the light of the order passed by this Court in W.P.(MD)No.21109 of 2019, dated 01.10.2019. Through the learned Additional Public Prosecutor, the learned Revenue Divisional Officer is directed to pass appropriate orders as per the earlier order passed by this Court.

7.With the above directions, this Writ Petition is allowed. No costs.

10.10.2022

Index : Yes / No

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Note: Issue order copy by 10.10.2022.



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To

- 1.The Sub Inspector of Police,
Paralachi Police Station,
Aruppukottai Taluk,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Aruppukottai Taluk.



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