



W.P.No.5007 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.5007 of 2022
and W.M.P.Nos.5117, 7290 & 8790 of 2022

M.Murali

... Petitioner

Versus

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2. The Commissioner,
Hindu Religious and
charitable Endowments Department,
Uthamar Gandhi Road,
Nungambakkam, Chennai- 600 034.

3.The joint Commissioner
Hindu Religious and charitable Endowments
Department,
Gandhi Nagar,7th Street,
Tiruvannamalai District,
Thiruvannamalai- 606 601.

4. The Executive Officer
Arulmigu Periyannayagi Utanurai Ponmalai Nathar,
(Kanaka Giriswarar) Temple, Devikapuram,
Chetpet Taluk, Tiruvannamalai District,
Tiruvannamalai- 606 902.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the Respondents more particularly the 3rd and 4th respondents to permit people of Adi- Dravidar to perform one day celebration of Panguni Uthiram festival to be held on 08.03.2022 at Arulmigu Periyannayagi Utanurai Ponmalai Nathar (Kanaka Giriswarar) Temple at devikauram chetpet Taluk Tiruvannamalai District based upon the representation dated 28.01.2022 which is given based upon the order dated 18.03.2021 of this this Honble court in W.P. No.7044 of 2021.

For Petitioner	: Mr. P.Sesubalan Raja
For Respondents	: Mr. N.R.R.Arun Natarajan Special Government Pleader

ORDER

This writ petition has been filed seeking a direction to the Respondents to permit people of Adi-Dravidar to perform one day celebration of Panguni Uthiram festival to be held on 08.03.2022 at Arulmigu Periyannayagi Utanurai Ponmalai Nathar (Kanaka Giriswarar) Temple at Devikapuram, Chetpet Taluk, Tiruvannamalai District based upon the representation dated 28.01.2022.

2. It is the main grievance of the petitioner that the petitioner belongs to Hindu Adi-Dravidar community and there are more than 300 Hindu Adi-Dravidar families are living in Devikapuram Village. There is a temple



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viz., Arulmigu Periyannayagi Utanurai Ponmalai Nathar (Kanakas Giriswarar)

Temple situated in the above said village. Such being the factual position, the petitioner and others from Hindu Adi-Dravidar Community have jointly made representations to the respondents and festival committee requesting to allow them to conduct Panguni Uthiram festival functions in any one day out of 18 days on behalf of their community. But the same was not considered by the authorities and the temple festival committee. Hence, the petitioner has already filed a writ petition before this Court in W.P.No.7044 of 2021 seeking a direction to the respondents to permit people of Adi-Dravidar community to perform one day celebration of Panguni Uthiram festival to be held from 18.03.2021 to 31.03.2021 at Arulmigu Periyannayagi Utanurai Ponmalai Nathar Temple at Devikapuram based on the representation of the petitioner. While disposing the matter, the respondents 3 & 4 have given permission to conduct festival of Panguni Uthiram to the said community for the forthcoming year. It is pertinent to note that till today the respondents have not chosen to consider the petitioner's representation. Without having no other option, the present writ petition has filed seeking appropriate remedy.

3. The first respondent has filed a counter stating that the Adi-dravidar



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people are willing to celebrate along with others in anyone of the days without infringing the right of the others. At the same time, they are not willing to be allotted after the 10th day celebrations, as it would amount to accept their subjugation. The learned counsel further submitted that the petitioner cannot claim that it is their fundamental right to discriminate the Adi-dravidar people. Hence, they have no right to interfere in the proceedings. Hence, the learned counsel prays to dismiss the writ petition.

4. The 4th respondent has filed a counter stating that the first respondent is the competent authority to resolve the present issue between the villagers without creating law and order problem in the said village and further stating that the respondents as well as the HR & CE Department will not restrain any community/caste from performing rituals in the Temple.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the materials available on record.

6. On a perusal of the affidavit and counter affidavits, this Court is of the



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view that it is the duty of the respondents who are in-charge of the administration to ensure that no discrimination whatsoever shown on the ground of caste and community. It is the duty of the respondents to ensure that all the communities are permitted to participate in the pooja. If the persons are claiming any customary right to make pooja that itself have to be established as per provisions of the HR & CE Act. Without there by any recognised right, no one has exclusive right to prevent other minority community in the same religion.

7. In such view of the matter, this Court directs the 4th respondent to act in terms of the religious rights guaranteed under the Constitution and there shall not be any discrimination on the ground of caste upgradation. The respondents shall frame a proper scheme in this regard and ensure that all the community people should participate without there be any discrimination.

8. With the above observations, the writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

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N. SATHISH KUMAR, J.

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Index : Yes/No

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