



W.P.No.29410 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.29410 of 2023

and

W.M.P.Nos.29040 & 29041 of 2023

Velusamy

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Kottaimariamman Temple Campus,
Behind Old Bus Terminus,
Salem-1.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Namakkal,
Namakkal District.

3.The Inspector,
Hindu Religious and Charitable Endowments Department,
Paramathi Velur,
Namakkal District.

4.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
O/o.the Revenue Divisional Office,
Tiruchengode, Namakkal District.

5.The Tahsildar,
Paramathi Velur Taluk,
Namakkal District.



W.P.No.29410 of 2023

6.The Executive Officer,
Sri Venkaraiaimman Temple,
Venkarai Village,
Paramathi Velur Taluk,
Namakkal District.

7.The Superintendent of Police,
Namakkal District.

8.The Inspector of Police,
Paramathi Velur Police Station,
Namakkal District.

9.Natarajan

... Respondents

Prayer: Writ Petition is filed under Section 226 of Constitution of India, pleaded to issue Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings of the 4th respondent passed vide his proceedings in Na.Ka.3148/2022/C dated 30.09.2023 and quash the same and consequently direct the respondents 1 to 6, to permit the petitioner to perform customary right of 'Mupattu' during the temple festival of 'Venkaraiaimman Temple' situated at Venkarai Village, Paramathi Taluk, Namakkal District, which is scheduled to be held on 10.10.2023 and further direct 7th and 8th respondents to provide necessary police protection for performing his customary right of 'Mupattu'.

For Petitioner : Mr.J.Arokkiaraj
for Mr.M.Saravanan

For R1 to R8 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



W.P.No.29410 of 2023

ORDER

WEB COPY

This Writ Petition is filed seeking Certiorarified Mandamus. The petitioner herein prays for quash the proceedings of the 4th respondent passed on 30.09.2023 constituting committee of 7 members for the performance of the customary right of 'Muppattu' during the temple festival of Venkaraianman temple situated at Paramathi Taluk, Namakkal District and also sought for police protection for the petitioner to perform his customary right of 'Muppattu'.

2. The factual background of the case appears to be the dispute between the two groups in the Venkarai village, Namakkal District regarding conducting the ceremonial festival of Muppattu and getting the first honour. When this issue caused threat to the public peace due to dispute between the two groups, peace meeting was conducted by the RDO/Executive Magistrate and in the said peace meeting held on 03.10.2018. It was agreed that in future the right of conducting Venkaraianman temple festival shall be in annual rotation between two groups and the content of the festival invitation to be approved by the HR & CE department. Thus, the parties have agreed to exercise their



W.P.No.29410 of 2023

WEB COPY

shall be organised in rotation. The said proceedings of RDO was challenged by the petitioner in W.P.No.29121 of 2019 and sought for specific direction to permit the petitioner to perform his customary right of 'Muppattu' of the year 2019, during the festival between 08.10.2019 to 12.10.2019. The said writ petition was dismissed by the High Court vide order dated 31.08.2021 with liberty to the petitioner herein to workout their remedy in the manner known to law.

5. In the said circumstances, the petitioner herein has initiated a civil suit before the Paramathi District Munsif Court and the same was taken on file in O.S.No.1761 of 2022. The said suit is still pending. When the right to conduct the temple festival for the year 2022 cropped up, the Executive Magistrate/RDO again convened the joint meeting on 05.10.2022. In the joint peace meet, no viable solution could be arrived. In the said circumstances, the RDO/Executive Magistrate after considering the past history, the directions issued by this Court and the pendency of civil suit, had directed that there will be 7 members committee for organising the Muppattu festival of the temple. Out of 7 members, three from each group and one representing the HR & CE



W.P.No.29410 of 2023

WEB COPY

department will be organising the festival. Further the RDO has also identified the 5 persons on either side who are the cause for disturbing the peace and tranquillity and had instructed the Inspector of Police to obtain bond from those 5 persons under Section 107 Cr.P.C.

6. In the said background, the petitioner herein on 03.10.2023 had given a representation to the Inspector of Police, Paramathi Velur seeking permission to conduct the festival proposed to be conducted during the month of October 2023 relying upon the proceedings of the Executive Magistrate held in the year 2019, wherein it is the turn of the petitioner herein to celebrate the festival for the year 2023. According to the petitioner without considering the right of the petitioner herein, the RDO has modified the earlier order by appointing 7 members committee consisting of 3 members in each group and one member representing the HR & CE department. His representation is now sought to be considering by setting aside the order of the 4th respondent dated 30.09.2023.

7. The learned Government Advocate (Crl.Side) appearing for the State submits that a persistent problem regarding the first honour and



W.P.No.29410 of 2023

WEB COPY

Muppattu honour between the hereditary trustee and the villagers been under consideration by the Executive Magistrate since 2018 and based on the prevailing situations, decision been taken by the Executive Magistrate predominantly considering the maintenance of peace and public order in the locality. The parties have to settle the dispute regarding their civil right in the manner known to law and cannot fight between themselves and cause disturbance to the peace of general public. Therefore, on 30.09.2023 the 4th respondent taking note of earlier incidents and the prevailing situations has passed an order wherein the members of both the groups under the supervision of HR & CE department representative to can conduct the festival. As the festival for the year 2023 already been conducted peacefully, there is no necessity to interfere in the order passed by the 4th respondent which has become infructuous.

8. The learned counsel appearing for the petitioner insisted that in order to avoid similar petitions in future there must be a direction from this Court and preferably confirm the earlier proceedings of the Executive Magistrate dated 03.10.2018 suggesting to perform the



W.P.No.29410 of 2023

WEB COPY

customary right of the 'Muppattu' in turn by the groups in the alternate years has to be confirmed.

9. This Court is unable to countenance the above submissions of the learned counsel for the petitioner. After four years of the earlier order, taking into consideration the present situations and the pendency of the suit, the Executive Magistrate in his wisdom has thought fit that the arrangement of yearly rotation not workable. To enable the members of both the groups to jointly participate and conduct the festival under the supervision of the representative of HR & CE department the order impugned has been passed. This has been successfully implemented this year. Therefore, the field reality which has been properly assessed by the RDO need no judicial review by this Court exercising its power under Section 226 of Constitution of India. Hence this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petitions are also dismissed.

15.11.2023

Index : Yes/No

Neutral Citation : Yes/No

rpl



W.P.No.29410 of 2023

To:

WEB COPY

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Kottaimariamman Temple Campus,
Behind Old Bus Terminus,
Salem-1.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Namakkal,
Namakkal District.

3.The Inspector,
Hindu Religious and Charitable Endowments Department,
Paramathi Velur,
Namakkal District.

4.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
O/o.the Revenue Divisional Office,
Tiruchengode, Namakkal District.

5.The Tahsildar,
Paramathi Velur Taluk,
Namakkal District.

6.The Executive Officer,
Sri Venkaraianmman Temple,
Venkarai Village,
Paramathi Velur Taluk,
Namakkal District.

7.The Superintendent of Police,
Namakkal District.

8.The Inspector of Police,
Paramathi Velur Police Station,
Namakkal District.



WEB COPY



W.P.No.29410 of 2023

Dr.G.JAYACHANDRAN,J.

rpl

9.The Public Prosecutor,
High Court of Madras,
Chennai.

W.P.No.29410 of 2023

15.11.2023