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W.P.(MD)No.643 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.643 of 2023

T.Balasundaram

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Devakottai Revenue Division,
Devakottai, Sivagangai District.

3.The Superintendent of Police,
Sivagangai District,
Sivagangai.

4.The Tahsildar,
Singampuneri Taluk,
Sivagangai District.

5.Sasipandi Thurai,
S/o. Sasivaranam

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1,2 and 4 to take necessary action against the fifth respondent and his men or agents by preventing him from participating himself by holding head



gear, hand stick and umbrella through street procession upto Manthai, Mallakottai Village, Singampuneri Taluk, Sivagangai District on 16.01.2023 during the conduct of the Thai Pongal Vizha by considering petitioners representation dated 26.12.2022 within the time stipulated by this Court.

For Petitioner : Mr.Sricharan Rangarajan
For R1, R2 and R4 : Mr.G.Suriyananth
Additional Government Pleader

For R3 : Mr.B.Thanga Aravindh
Government Advocate (Criminal side)

For R5 : Mr.T.Ramesh

* * *

ORDER

Heard the learned counsel on either side.

2.It is not as if the petitioner new to this Court. The fifth respondent herein had earlier filed W.P.(MD)No.8068 of 2022 and it was disposed on 26.04.2022 with the following directions:

"5.The writ petition stands dismissed by giving liberty to the petitioner to file appropriate application under Section 63(e) of the Hindu Religious and Charitable Endowments Act, 1959 or in the alternative, to challenge the order of the appointment of the Fit Person. The respondents are directed to



furnish the copy of the appointment of the Fit Person within a period of 15 days from the date of receipt of copy of this order. No costs."

3.He also filed W.P.(MD)No.10650 of 2022 and it was disposed on 15.06.2022 with the following directions:

"6.In view of the same, the Deputy Superintendent of Police, Thirupathur to monitor the temple festival which is scheduled to be conducted and ensure peaceful conduct of temple festival and to maintain law and order."

4.The petitioner filed W.P.(MD)No.14000 of 2022 and it was disposed on 01.07.2022 with the following directions:

" 7.In view of the photos and submissions, this Court feels that the apprehension of the petitioner is reasonable. In view of the same, the Assistant Commissioner of the HR and CE Department, to be present during the last day festival on 03.07.2022 and ensure orderliness inside the temple and not allow anybody with head gear and umbrella and other symbolic articles to project themselves with some status and all the devotees and villagers to be treated equally and no special honour to be given to any person and no procession to be allowed inside the temple and its precincts.

8.This Court hopes that with the above observation, festival would be conducted in a peaceful manner. The



Collector and Superintendent of Police to monitor the situation and give necessary instructions and directions for the peaceful conduct of festival."

5. Then he filed Cont.P(MD)No.1182 of 2022 and it was disposed on 30.08.2022 with the following directions:

"4. Now, the Contempt Petition is only as against the eighth respondent, namely, Sasipandidurai. This Eruthu Kaattu Vizha was conducted in three temples by adjacent villagers of less than five kilometres distance. In each temple, one of the Ambalathars claims special privileges, compelled the villagers to give them special status and also wearing headgear and holding umbrella at procession. With regard to the Kattanipatti Village, one C.Balasubramaniyan had filed a Writ Petition in W.P.(MD).No.13654 of 2022 against the special privileges attempted to be given to S.Raja Sethu Ramalingam. This Court disposed of the same with conditions, one of the conditions was that the authorities were directed to ensure orderliness inside the temple by not allowing anybody with headgear and other symbolic articles to project themselves with special status, all the devotees and villagers are to be treated equally and no special honour to be given to any person and no procession is allowed inside the temple and its precincts. Likewise, the Revenue Divisional Officer to post sufficient number of revenue officials to monitor the happenings in Manthai and also to ensure that there is no procession or any



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kind of act marring the peace of the village. In the above order, since the word 'from Manthai to the temple, procession was recorded in Kattanipatti village' and no procession outside the temple also held. Since these words missing in the order in W.P.(MD).No.14000 of 2022, taking advantage of the same, the respondent Sasipandidurai was in procession by wearing headgear and having umbrella moving around with sound and music from Manthai to the temple, even some Karagam and also having Senkol carried between the Manthai to the temple. Inside the temple, he was not allowed to proceed in procession. In view of the same, the petitioner filed this petition, so that in future, such procession are restricted and no special privilege given to the respondent Sasipandidurai, both inside the temple and in the Manthai or any other place, during the temple festival.

5.The learned Special Government Pleader appearing for the respondents 1 to 7 submitted that though the official respondents given up, they are present before this Court to inform that no special privilege given to the said Sasipandidurai inside the temple and ensured that one and all are treated equally and the temple festival held peacefully on 03.07.2022. He further submitted that no outward incident happened on the festival day. The petitioner filed this petition to only cause harassment to the officials. Now the villagers are in a calm atmosphere having conducted the festival peacefully. The petitioner an apprehension for the happenings in the next year temple festival, filed this Contempt Petition, which is not



proper, cannot be entertained. Hence, he prayed for dismissal.

6.Considering the submission and perusal of the materials available on records, it is seen that the festival has been completed in a peaceful manner on 03.07.2022. The next festival to be conducted during the month of March, 2023, if the petitioner apprehends that taking advantage of missing of certain words in the order, the respondent Sasipandidurai might create trouble, the petitioner is at liberty to approach this Court, at that time seeking appropriate order. This Court finds that though the petitioner apprehension is a misgiving for the present. No reason to involve contempt jurisdiction.

6.I am of the view that there is no need to pass one more order.

The terms of the aforesaid orders will govern the conduct of the petition mentioned festival also. I make it clear that no resident of the village will be compelled to show deference or respect to any person in connection with the said festival.

7.Accordingly, this Writ Petition is disposed of. No costs.

10.01.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Note: Issue order copy on **11.01.2023**

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Sivagangai District.
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G.R.SWAMINATHAN, J.

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