



W.P.(MD)No.2341 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.2341 of 2023

S.Murugan

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Revenue Divisional Officer,
Tirunelveli Division,
Tirunelveli.
3. The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.
4. The Sub Inspector of Police,
Melapalayam Police Station,
Melapalayam,
Tirunelveli City.
5. Bagavathi
6. Poornam
7. Mariappa Pandiyan



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8. P.M.Highcourt Raja

9. V.S.T.Naseer

10. V.S.T.Nagoor Meeran

11. V.S.T.Sheik Mansoor

... Respondents

(R3 is *suo motu* impleaded vide Court order dated 13.03.2023 in W.P.(MD)No.2341 of 2023 by CVKJ and R3 to R10 rank rearranged as R4 to R11 vide Court order dated 13.03.2023 in W.P.(MD)No.2341 of 2023 by CVKJ.

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to provide permission and Police protection to conduct Panguni Uthiram festival on 05.04.2023 and 06.04.2023 in the Temple, namely, Arulmigu Shri Villayuthamudayar Sastha Temple, situated at Karungulam Ayan Punja land in S.Nos.112/1 and 112/2 admeasuring 33 and 40 cents respectively, totally 73 cents, Melapalyam Village, Palayamkottai Taluk, Tirunelveli District now Tirunelveli City, Melapalyam Ward, T.S.No.2294, based on the petitioner's representation dated 28.11.2022.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.J.Ashok
Addl. Govt. Pleader for R1 and R2
Mr.S.Kumar for R3
Mr.S.B.Kamalanathan for R4 to R7
No appearance for R8 to R11



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ORDER

This Writ Petition has been filed in the nature of mandamus seeking direction against the respondents 1 to 3, namely, the District Collector, the Revenue Divisional Officer, both at Tirunelveli District and the Sub Inspector of Police, Melapalayam Police Station, Melapalayam, Tirunelveli City to conduct Panguni Uthiram festival on 05.04.2023 and 06.04.2023 in 'Arulmigh Shri Vilayuthamudayar Sastha Temple', situated at Karungulam, Ayan Punja land in S.Nos.112/1 and 112/2 measuring 33 and 40 cents respectively in T.S.No.2294.

2. During the pendency of the Writ Petition, the Tahsildar, Palayamkottai Taluk, had been impleaded as third respondent and naturally, the Sub Inspector of Police now had been rearranged as fourth respondent.

3. In the affidavit filed, it had been stated that there is a Temple in the aforementioned land which had been purchased by Court auction in E.P.No.158 of 1935 in O.S.No.472 of 1931 on the file of the District Munsif



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Court, Tirunelveli. It had been stated that there was also a mortgage which was also discharged.

4. The petitioner claims that after his father, he is the Akhthar of the Temple. This status is disputed by the respondents. It had been further stated in the affidavit that the respondents 5 to 11 had interfered with peaceful possession and damaged the rocks near the Temple and removed the Idols. It had been stated that the Panguni Uthiram festival is to be conducted and therefore, a representation has been given.

5. The learned Additional Government Pleader who appeared on behalf of the respondents had forwarded the revenue records relating to the lands in Survey Nos.2294/1 and 2294/2. The lands are categorized as Nanjai agricultural lands. It is stated that there is no Temple at all in the lands.

6. The learned Additional Government Pleader further stated that a survey had been done by the Tahsildar and it was specifically found that there is no Temple at all. The Temple has been shifted to some other place. The lands are agricultural lands.



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7. It is contended by the learned counsel for the petitioner that over for many years, Panguni Uthiram festival had been conducted in the vacant land. But that custom had been stopped over the past few years. It is also stated that from a nearby Pallivasal, objections had also been raised.

8. It is only appropriate that any festival relating to any religion, is conducted with peace and harmony. If it is to be a source of strife, it would only be better that conducting the festival itself is avoided. The Temple had been shifted to another place. The Temple exists there and not at the lands where the festival is now sought to be conducted.

9. The Tahsildar, with the help of the Sub Inspector of Police may conduct a Peace Committee with the petitioner and the respondents and at the place where the Temple today exists, if it is possible, let the Panguni Uthiram festival be done, but not at the place, where there is no Temple at all. There could also be no possibility of the festival conducted in the absence of an Idol which is very important in any religious festival. If the Idol had been shifted to another place and in that particular place, let the festival be done.



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10. Therefore, an obligation is placed on the respondents 3 and 4, namely, the Tahsildar and the Sub Inspector of Police to conduct the Peace Committee Meeting among the petitioner and the private respondents herein and ensure that if it is possible, the Panguni Uthiram festival is conducted at the Temple where the Temple is today situated. Let the consent of all parties be obtained and necessary protection be given. The petitioner seeks a mandamus, but there is no Temple at the particular place. The petitioner may give a fresh representation in this regard to the Tahsildar who may consider the same and take appropriate action.

11. With the above directions, this Writ Petition stands disposed of. There shall be no order as to costs.

28.03.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

Note: Issue order copy by 29.03.2023.



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To

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Tirunelveli.
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