



**W.P(MD)No.3028 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 17.04.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**W.P(MD)No.3028 of 2023**

K.Sekar

... Petitioner

**Vs.**

1.The District Collector  
Madurai District.

2.The Revenue Divisional Officer,  
Thirumangalam Taluk,  
Madurai District.

3.The Tahsildar  
Thirumangalam Taluk,  
Madurai District.

4.K.Ramesh

5.K.Murugan

... Respondents

**PRAYER :** Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to



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allow the petitioner to worship and conduct the festival of Arulmigu Sri Muthalamman Kovil at Kinnimangalam Village, Thirumangalam Taluk, Madurai District, to be held on 26.04.2023 and 27.04.2023.

For Petitioner : Mr.R.Jegadeeswaran

For Respondents : Mr.N.Muthu Vijayan - for R1 to R3  
Special Government Pleader

Mr.N.Sathish Babu - for R4 & R5

### **ORDER**

The writ petition has been filed in the nature of a Mandamus seeking a direction against the respondents to allow the petitioner to worship and conduct the festival of Arulmigu Sri Muthalamman Kovil at Kinnimangalam Village, Thirumangalam Taluk, Madurai District, between 26.04.2023 and 27.04.2023.

2. Notice had been directed to the respondents. The learned Special Government Pleader had forwarded instructions received in Na.Ka.No.5121/2022/2 dated 15.02.2023, in which, it had been stated that a Peace Committee Meeting was conducted on 04.01.2023 at 4.00



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p.m. by the Tahsildar, Thirumangalam. The fourth and fifth respondents herein and another individual Sanjai Gandhi, were categorized as 'A' parties. Two other individuals Mani and Sivakumar were categorized as 'B' parties. Other two individuals Gunasekaran and Palani were categorized as 'C' parties.

3. In the Peace Committee Meeting, it had been resolved that the village people can always worship in the temple.

4. The fourth respondent herein had filed an earlier writ petition in W.P.(MD) No.20853 of 2022 and a learned Single Judge of this Court by an order dated 02.09.2022 had observed as follows :

*"3.The grievance of the petitioner is that during the Tamil Month of Puratassi, the annual festival to be conducted in the abovesaid temples situated at Kinnimangalam Village and the first honor would be given to one ChinniveeraThevar and his legal heirs. Due to dispute with regard to the first honor, a suit has been filed in O.S.No. 196 of 2004 before the District Munsif Court,*



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*Tirumangalam and the same was dismissed on 26.11.2007. Thereafter, an appeal was filed in A.S.No.14 of 2008 before the Subordinate Court, Tirumangalam, which was also dismissed on 04.09.2010. Thereafter, there was some commotion and confusion in celebration of the festivals of Pattatharasi Amman Temple in Kinnimangalam village. During Sivarathiri festival, 144 proceedings have been initiated and in the meanwhile, the respondents 2 to 4 filed O.A.No.5 of 2011 under Section 63(e) of Act 22/1959 and the same is pending. On 19.02.2020, the Revenue Divisional Officer, Thirumangalam conducted a Peace Committee Meeting with regard to the conduct of festival and issued certain restrictions and specifically given a direction that no person is to be given first respect or any special privilege or status. From the year 2008 to till date, the festival conducted without touching upon first respect right. This being so, now the respondents 2 to 8 are taking steps to have first respect honor is to be given to them arbitrarily and hence, the petitioner sent representation to the first respondent. Despite receipt of the*



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*representation, the officials not taken any steps.  
Hence, the present petition has been filed.*

*4.The learned Government Advocate appearing for the first respondent submitted that the representation of the petitioner has been received by the first respondent and the same has been considered and sent to the authorities. Since O.A.No.5 of 2011 is pending with regard to the same subject, no specific order has been passed. Further, it is made clear that for the past several years, due to dispute among the rival groups, the festival is conducted by a fit person appointed by the temple authorities and no individual, either from the side of the petitioners or from the side of the respondents 2 to 9 are given any special privilege, Status or honor. The procedure, so far followed in conducting the festival, would be followed till any order is passed by the appropriate authorities.*

*5.Considering the submission and perusal of the materials available on records, it is seen that O.A.No.5 of 2011 is pending and the same is*



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*yet to be decided. Further, it is stated that no individual either on the side of the petitioner or on the side of the respondents 2 to 9 would be given any special honor, respect and all are to be treated equally. It is the temple authorities to conduct the festival and no individual to have special status.*

*6.Recording the same, this Writ Petition is disposed of. No costs. Consequently, the connected Writ Miscellaneous Petition is closed."*

5. It is contended by the learned counsel for the petitioner that the said order related to some other temple but, still the same concept has to be followed and has to be maintained. The concept is that no particular individual can have separate or exclusive right to conduct the festival. All individuals and all members in the village have equal right to worship in the temple.

6. I hold that even in the temple which is the subject matter



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of the present writ petition, namely, Arulmighu Sri Muthalamman Kovil, Kinnimangalam Village, Thirumangalam Taluk, Madurai District, every member of the village has a right to worship in the temple, but nobody has any right to exclusively conduct any festival. If a festival is to be conducted then all the villagers must join together. The petitioner cannot be granted any independent right to conduct any festival.

7. It is also seen that this is the purport of the order extracted above was with respect to another temple in the same village, namely, Sri Pattatharasi Amman Temple in Kinnimangalam Village. In every temple the concept is the same. Any individual can worship. Nobody can claim special right of first honour or exclusive right to conduct any festival.

8. The Tahsildar may ensure that all the villagers are entitled and permitted to worship in the temple. No out of turn festival can be conducted and if it is a practice that once in four years the festivals have to be conducted and if the earlier festival had been conducted in the year 2021, then let the festival be conducted again in the year 2025. The



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petitioner always has a right to worship in the temple. Let him not conduct any festival in the temple independently.

9. The third respondent / Tahsildar, Thirumangalam Taluk, may take an appropriate decision provided all the members of the village are united in conducting festival, but not certainly on the representation of a particular single individual namely, the petitioner, who is not categorized as either A, B or C parties.

10. With the above observation, the Writ Petition stands disposed of. No costs.

**17.04.2023**

Index :Yes/No  
Internet :Yes/No  
NCC : Yes / No

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**C.V.KARTHIKEYAN, J.**

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