



W.P. (MD) No. 3063 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 3063 of 2023

C.Andichamy

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai 625 016.

2.The Thasildar,
Thasildar Office,
Thirumangalam Taluk,
Madurai District.

3.The Superintendent of Police,
K.Pudur, Madurai District,
Madurai.

4.Deputy Superintendent Of Police,
Thirumangalam, Madurai District.

5.The Inspector of Police,
Thirumangalam Taluk Police Station,
Thirumangalam, Madurai District.

6.Thangavairan @ N.S.Vairan

... Respondents



W.P. (MD) No. 3063 of 2023

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus directing the 1st respondent to conduct Mahasivarathiri Maasi Thiruvizha and associated programs at Rajadhani Ooranda Urappanur Arulmigu Sundaravalli Amman Thirukoil, situated near Sithalai Village, Thirumangalam Taluk, Madurai District scheduled from 17.02.2023 to 19.02.2023 by considering the petitioner's representation dated 09.02.2023 in the light of the order passed in WP(MD)No.3932 of 2019.

For Petitioner	: Mr. P.Balamurugan
For Respondents	: Mr. T.Villavan Kothai (R1 & R2)
	Additional Government Pleader
	Mr. M.Veranthiran (R3 to R5)
	Government Advocate
	Mr. K.K.Samy (R6)

ORDER

Heard Mr. P.Balamurugan, Learned Counsel appearing for the Petitioner, Mr. T.Villavan Kothai, Learned Additional Government Pleader, who takes notice for the First and Second Respondents, Mr. M.Veranthiran, Learned Government Advocate, who takes notice for the Third to Fifth Respondents and Mr. K.K.Samy, Learned Counsel, who takes notice for the Sixth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Writ Petition has been filed for directing the First Respondent to conduct Mahasivarathiri Maasi Thiruvizha and associated programs at Rajadhani Ooranda Urappanur Arulmigu Sundaravalli Amman Thirukoil, situated near Sithalai Village, Thirumangalam Taluk, Madurai District, scheduled from 17.02.2023 to 19.02.2023 by considering the representation dated 09.02.2023 made by the Petitioner in the light of the order dated 18.02.2020 in WP(MD)No.3932 of 2019 passed by this Court.

3. It has been brought to notice that in respect of the Mahasivarathiri Maasi Festival conducted for Arulmighu Rajadhani Ooranda Urappanur Arulmigu Sundaravalli Amman Thirukoil, situated near Sithalai Village, Thirumangalam Taluk, Madurai District, during the year 2020, this Court by order dated 18.02.2020 in W.P. (MD) No. 3232 of 2020 had passed the following self-explanatory order:

“4. Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the Joint Commission of HR&CE Department submitted that two rival groups are claiming right of administration, possession and first honours in the temple and the dispute is pending before the Joint Commissioner of HR & CE Department in O.S.No.2 of 2018



and even in the earlier years, one of the persons belonging to the rival group had moved W.P.(MD)Nos.1400 and 2509 of 2018 and that the petitions came to be disposed of by this Court. The operative portion of the order reads as follows:-

“10. In the result, the respondent No.3 in W.P. (MD)No. 1400 of 2018 is directed to grant permission to the fourth respondent pooja, along with other pangalis including the petitioner in W.P.(MD)No.1400 of 2018 by imposing reasonable conditions, except for conducting adal padal programme on 13.02.2018 and 14.02.2018 at Arulmigu Sundaravalliamman Thirukovil, Thirumangalam, Madurai District. Adequate police protection also should be given. It is made clear that at the time of passing order, the respondent No.3 has to keep in mind the decision of the Hon'ble Supreme Court in Church of God (Full Gospel) in India Vs K.K.R.Magestic Colony Welfare Association and others, reported in [(2000) 7 SCC 282]. Since the issues relating to 'first honour' and 'temple administration' have to be decided by the Civil Court, the parties are directed to approach the Civil Court and establish their rights and get appropriate reliefs. If any such suit is filed, the Civil Court has to dispose of the same uninfluenced by the observations made in this order.”

5. He would further submit that thereafter, even during the last year, person belonging to the other rival group filed W.P.(MD)No.3932 of 2019 before this Court and this Court directed the respondent police to follow the directions made in W.P.(MD)Nos.1400 and 2509 of 2018 and grant necessary permissions for conducting the festival. He would further submit that suitable orders may be passed accordingly.



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6. *The learned Government Advocate (Crl. side) would submit that the dispute is still pending adjudication before the Joint Commissioner of HR & CE Department. She would further submit that the matter may be directed to be referred to the Revenue Authorities for a peace committee meeting and if the consensus is arrived at, the respondent police have no objection in granting necessary permission and give protection for the function.*

7. *The learned counsels appearing for the rival parties would submit that their intention is only to conduct festival in a peaceful manner and that they would submit that since the matter relating to the first honour and administration of the temple and other rituals are pending before the Joint Commissioner of HR & CE Department, none of them will claim any preferential right or first honour during the festival.*

8. *The learned counsel appearing for the petitioner in W.P.(MD)No. 3232 of 2020 would reiterate that since the dispute relating to carrying of Pooja Boxes is yet to be decided, direction may be issued to the Joint Commissioner of HR & CE Department, Madurai not to allow anybody to carry the Pooja Box during the festival and not to conduct cultural programme and not to give first honours to anybody.*

9. *In view of the same, the Joint Commissioner, H.R and C.E., Department, Madurai, is directed to conduct the temple festival following the aforesaid orders made in W.P.(MD)Nos. 1400 and 2509 of 2018 which has been subsequently,*



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followed in W.P.(MD)No.3932 of 2019. It is made clear that no Pooja Box shall be carried, no first honour will be given to anybody and no cultural program will be conducted. The Inspector of Police, Thirumangalam Taluk Police Station, Tirumangalam, Madurai District shall grant permission to conduct the festival by imposing reasonable conditions and give adequate protection and bandobust to the Joint Commissioner of HR & CE Department, Madurai and other devotees in conducting the festival in a peaceful and effective manner.

10. With the above observations and directions, these writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.”

It is accepted by Learned Counsel for the Petitioner and Respondents that the same directions issued could be followed for the Mahasivarathiri Maasi Festival conducted for Arulmighu Rajadhani Ooranda Urappanur Arulmigu Sundaravalli Amman Thirukoil, situated near Sithalai Village, Thirumangalam Taluk, Madurai District, for the year 2023 also.

5. In such circumstances, the First to Fifth Respondents shall carry out the said directions and necessary police assistance for the peaceful conduct of Mahasivarathiri Maasi Festival in the said Temple. It shall be incumbent



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upon the concerned authorities to install CCTV cameras at appropriate places to ensure public safety and effective conduct of the festival, and the entire proceedings shall be videographed at the cost borne by the Petitioner and the Sixth Respondent in equal shares.

In the result, the Writ Petition is disposed on the aforesaid terms.

There shall be no order as to costs.

15.02.2023

Index : Yes/No

Internet : Yes/No

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Note: Issue order copy by 16.02.2023.

To

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai 625 016.
- 2.The Thasildar,
Thasildar Office,
Thirumangalam Taluk,
Madurai District.
- 3.The Superintendent of Police,
K.Pudur, Madurai District,
Madurai.

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4. Deputy Superintendent Of Police,
Thirumangalam, Madurai District.

5. The Inspector of Police,
Thirumangalam Taluk Police Station,
Thirumangalam, Madurai District.



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P.D.AUDIKESAVALU,J.

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