



W.P(MD)No.5008 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.5008 of 2023

Manikandan

... Petitioner

Vs

1. The District Collector,
Pudukkottai District, Pudukkottai.
2. The Tahsildar,
Thriumayam Taluk, Pudukkottai District.
3. V.Rasamani
4. Sathappan

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate steps to receive the Tax from the petitioner for temple festival of Arulmighu Kamarajar Temple (Kamandi Festival) and consequently direct the 1st and 2nd respondents to take appropriate action against the third respondent from excommunication the petitioner and his family members.



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For Petitioner	:Mr.R.Paranjothi
For R1, R2	:Ms.N.Muthu Vijayan Special Government Pleader
For R3, R4	:Mr.R.Anand for Mr.N.Balasubramanian

ORDER

The Writ Petition has been filed in the nature of a Mandamus, seeking a direction against the first and second respondents/District Collector, Pudukkottai District, Pudukkottai and Tahsildar, Thriumayam Taluk, Pudukkottai District, to take appropriate steps to receive the Tax from the petitioner for temple festival of Arulmighu Kamarajar Temple (Kamandi Festival) and further direct the first and second respondents to take appropriate action against the third respondent, who according to the petitioner is preventing him and his family members from participating in the temple festival.

2.The learned Special Government Pleader had filed a report submitted by the second respondent.

3.The Tahshildar, who knows the petitioner's family members,



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their background and also their relationship, had stated that in Thekkur village, Rasu, S/o.Sathan was living in D.No.3, Mela Theru at the said village. He died on 22.12.2018. He had a wife Parvathi, who is still alive. He had four sons, through said Parvathi, viz., Manokar, Ravi, Ragu, Ramu. The Tahsildar had further stated that Rasu also had a relationship with one Lalitha @ Nalli, about 28 years back and through her, he had a son and a daughter namely Manikandan, the petitioner and Manimegalai. The Tahsildar had further stated that Rasu had called the said Lalitha @ Nalli, her son and daughter to his village and permitted them to live in his own house.

4.After his death, both Manikandan and Manimegalai had filed a suit in O.S.No.51 of 2020, which is pending before the learned District Munsif, Thirumayam against Parvathi, Manokar, Ravi, Ragu, Ramu and also against the District Collector, Tahsildar, Revenue Inspector and Village Administrative Officer. In the said suit, they had sought a relief of declaration that they are also the legal heirs of said Rasu.

5.There is a controversy whether the suit is still pending or has been dismissed for default. The learned counsel for the petitioner states that



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the suit is still pending. The learned counsel for the third and fourth respondents states that the suit had been dismissed for default.

6. Even otherwise, I would go by report of the Tahsildhar, which clearly states about the relationship of Rasu and his family members.

7. The learned counsel for the third and fourth respondents with much maturity, stated that they would not directly or indirectly interfere with the petitioner. The petitioner has to pay tax for the temple. It is collected from every individual towards the expenditure occurred during the temple festival.

8. The third and fourth respondents may act in accordance with their status in the village. Let the family members of Rasu decide their relationships in O.S.No.51 of 2020 and I am confident that the suit would be decided in manner known to law by the learned District Munsif, Thirumayam. I am also confident that the learned counsel for the third and fourth respondents would give suitable advise to the third and fourth respondents to maintain their dignity and status in the village.



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9.No further orders are required. However, the petitioner is at liberty to approach the District Collector, if he has any genuine cause. Firstly, the petitioner has to get a relief from the District Munsif, Thirumayam and according to that relief, he can work out his remedy before the appropriate authority.

10.Accordingly, this writ petition stands disposed of. No costs.

23.03.2023

NCS :Yes/No
Index :Yes/No
Internet:Yes/No

PNM

To

1. The District Collector,
Pudukkottai District, Pudukkottai.
2. The Tahsildar,
Thirumayam Taluk, Pudukkottai District.



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C.V.KARTHIKEYAN, J.

PNM

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