



W.P.(MD)No.8134 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.8134 of 2023
and W.M.P.(MD)Nos.7522 and 7524 of 2023

1. A.Palanichamy
2. Vadivel

... Petitioners

versus

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Dindigul.
3. The Superintendent of Police,
Madurai District.
4. The Inspector of Police,
F1, Peraiyur Police Station,
Peraiyur,
Madurai District.

5. Gnanavel

... Respondents



W.P.(MD)No.8134 of 2023

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 1 to 4 to permit the petitioners and other Chettiar Community people to worship and conduct the Vaikasi Festival of Sri Kalamman Temple and Sri Vinayagar Temple, Kumarapuram Village, Peraiyur Taluk, Madurai District on 23.05.2023 or 24.05.2023 without the interference of the Yadava Community people.

For Petitioner : Mr.J.Barathan
For R1 to R4 : Mr.P.Subburaj,
Special Govt. Pleader

ORDER

This writ petition is filed for a mandamus directing the respondents 1 to 4 to permit the petitioners and other Chettiar Community people to worship and conduct the Vaikasi Festival of Sri Kalamman Temple and Sri Vinayagar Temple, Kumarapuram Village, Peraiyur Taluk, Madurai District on 23.05.2023 or 24.05.2023 without the interference of the Yadava Community people.

2. The learned counsel appearing for the petitioners submits that Sri Kalamman Temple and Sri Vinayagar Temple are common temples



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for the entire village people, however, the 5th respondent and other Yadava Community people are preventing the petitioners and other Chettiar Community people from participating in the Vaikasi Festival and therefore, the petitioners were constrained to approach this Court by filing a writ petition in W.P.(MD)No.10448 of 2022 and this Court, by order dated 27.05.2022, passed an order directing the revenue and police officials to take adequate precautionary measures and give police protection to all devotees, who come to the temple concerned on the date of festival to have an easy dharsan and pooja for the said Vaikasi Festival. Now, the petitioners' apprehension is that the Yadava Community people will prevent them from participating in the Vaikasi festival. Therefore, the petitioners have filed this present writ petition.

3. The learned counsel for the petitioners further submits that the petitioners have also filed an application in O.A.No.54 of 2022 before the second respondent for framing a scheme with regard to the administration of these temples. He also produced a counter affidavit



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filed by the 5th respondent and other Yadava Community people in the said application, stating that these temples are common temples for the entire village people and administered by both community people. However, in reality, the Yadava Community people are not permitting the Chettiar Community people to participate in the temple festivals, particularly, during Vaikasi festival.

4. The learned Special Government Pleader appearing for the respondents 1 and 2 submits that a mandamus cannot be issued, when the application in O.A.No.54 of 2022, filed for framing a scheme with regard to administration of temples, is pending with the second respondent.

5. In view of the submission made by the learned Special Government Pleader appearing for the respondents 1 and 2, the learned counsel for the petitioners submits that he restricts his relief for early disposal of O.A.No.52 of 2022 filed by the petitioners, which is also



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pending before the second respondent, within a reasonable time.

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6. This Court considered the rival submissions made and perused the materials available on record.

7. A perusal of the counter affidavit filed by the Yadava Community people in O.A.No.54 of 2022 reveals that both the community people have purchased the properties and are also administering the temples jointly. However, the petitioners have expressed certain grievance that the Yadava Community people will not permit the Chettiar Community people to participate in the vaikasi festival.

8. The learned Special Government Pleader appearing for the respondents 1 and 2 has also expressed that a mandamus cannot be issued, when the application in O.A.No.52 of 2022 is pending with the second respondent.



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9. Therefore, in order to give quietness to this issue, this Court is inclined to issue a direction to the second respondent to dispose of the application in O.A.No.54 of 2022, within a reasonable time. In view of the nature of order to be passed in this case, notice to the 5th respondent is dispensed with.

10. Accordingly, this writ petition is disposed of with a direction to the second respondent to dispose of the application in O.A.No.52 of 2022 on or before 15.05.2023. No costs. Consequently, connected miscellaneous petition is closed.

12.04.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

Note: Issue order copy on or before 20.04.2023.



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To

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B.PUGALENDHI, J.

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