



W.P(MD)No.9188 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.9188 of 2023

Thiruvudaiyan Servai.R.M

... Petitioner/Petitioner

Vs.

1. The Assistant Superintendent of Police,
Assistant Superintendent of Police Office,
Karaikudi,
Sivagangai District.

2. The Inspector of Police,
Pallathur Police Station,
Karaikudi Taluk,
Sivagangai District.

3. The Thasildar,
Thasildar Officer,
Karaikudi Taluk,
Sivagangai District.

4. Ganesan M

... Respondents/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 to 3 to restrain the 4th respondent from conducting 7 villages Madhu Ettuppu Thiruvila Festival from 17.04.2023 to 26.04.2023 at Sri Vayalnatchiyamman and Sri Periyannayagamman at



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K.Velangudi, Karaikudi taluk, Sivagangai District.

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For Petitioner : Mr. Gokul.K
For R1 to R3 : Mr.B.Nambiselvan
Additional Public Prosecutor
For R4 : Mr.R.M.Arun Swaminathan

ORDER

The writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to restrain the 4th respondent from conducting 7 villages Madhu Ettuppu Thiruvila Festival from 17.04.2023 to 26.04.2023 at Sri Vayalnatchiyamman and Sri Periyamayagiamman at K.Velangudi, Karaikudi taluk, Sivagangai District.

2. Mr.B.Nambiselvan, learned Additional Public Prosecutor takes notice for the respondents No. 1 to 3 and Mr. R.M.Arun Swaminathan, learned counsel takes notice for the Respondent No.4. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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3. The facts in brief:

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The petitioner is the Nattamai for 16 villagers coming under Vallambar community. He is the sixth generation Nattamai for the above said 16 villagers. In the village, two temples are belonging to their family. One is Vayalnatchiyamman temple having only Moolavar and another temple is Sri Periyamayagiamman Temple is having only Utchavar. The above said two temples are existing for more than 150 years. Whenever the festival is conducted, both the temples are treated equally, since they are considered as sisters.

4. Now they planned to conduct 7 villagers Madhu Eduppu Thiruvizha festival, for that purpose, they used to collect the tax from 16 villagers. When they made a arrangement, the fourth respondent along with his relatives, committed theft of 29 articles belong to Sri Vayalnatchiyamman Temple. A complaint was taken as per the instruction given by the Police and they returned 29 articles, but the main key of the temple was withheld by the fourth respondent and now he is claiming as Administrator of the temple. If any festival is conducted by the fourth respondent, it will be against the customs and affecting their rights.



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5. The learned Additional Public Prosecutor would submit that festival program started on 17.04.2023 and still it is continuing, and so far there is no problem.

6. The learned counsel for the petitioner would submit that against the customary practice, the above said program is being conducted by the fourth respondent, if it is continued, law and order problem will arise. Only over that above said issue, he has given the representation, but it is not taken into consideration so far.

7. But as mentioned above, the learned Additional Public Prosecutor would submit that, so far there is no issue.

8. The learned counsel for the fourth respondent would submit that in respect of the above said issue, Peace Committee Meeting was also arranged, in which, 16 villagers participated. In the above said meeting, it was resolved in the presence of Tahsildar and ASP, Karaikudi, resolved that with regard to the issue between the parties over the management, they can approach the concerned Civil Court for resolving the issue. But however, both the parties are advised to get along with the celebration of



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the festival for this year only. On the basis of the above said resolution only, the above said festival is conducted.

9. The learned counsel for the petitioner would submit that his main objection is that he is not claiming any first honour in the above said celebration. But the fourth respondent must get consent from all the 16 village people, who belongs to very same community.

10. Since already resolution is adopted in the Peace Committee Meeting, in which, the representative of 16 village people participated. Let the parties abide by above said resolution and let them workout their remedy through appropriate proceedings for the next year. I find no reason to entertain this petition now.

11. With the above direction and liberty, this Writ Petition deserves dismissal and accordingly dismissed. No costs.

21.04.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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Note: Issue order copy on 21.04.2023



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To

1. The Assistant Superintendent of Police,
Assistant Superintendent of Police Office,
Karaikudi,
Sivagangai District.
2. The Inspector of Police,
Pallathur Police Station,
Karaikudi Taluk,
Sivagangai District.
3. The Thasildar,
Thasildar Officer,
Karaikudi Taluk,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA, J

Indu

Order made in
W.P(MD)No.9188 of 2023

Dated :21.04.2023