



W.P.(MD)No.9544 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.9544 of 2023

K.Pushparaj

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Aruppukkottai Revenue Division,
Aruppukkottai,
Virudhunagar District.
2. The Revenue Divisional Officer,
Sattur Revenue Division,
Sattur,
Virudhunagar District.
3. The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.
4. The Sub Inspector of Police,
Appayanayakkanpatti Police Station,
Virudhunagar District.

5. Murugesan

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 2 and 3 to take steps to conduct Sri Perumal Kovil Festival on 05.05.2023 (Chithirai Pournami) at Gopalapuram Village, Virudhunagar Taluk, based on the 1st respondent's proceedings in Na.Ka.No.A2/3321/2023 dated 13.04.2022 and consider the petitioner's representation dated 06.04.2023.

For Petitioner : Mr.M.Prabu

For R1 to R4 : Mr.D.Gandhiraj,
Special Govt. Pleader

ORDER

This writ petition is filed for a mandamus, directing the 2nd and 3rd respondents to take steps to conduct Sri Perumal Kovil Festival on 05.05.2023 (Chithirai Pournami) at Gopalapuram Village, Virudhunagar Taluk, based on the 1st respondent's proceedings in Na.Ka.No.A2/3321/2023 dated 13.04.2022 and consider the petitioner's representation dated 06.04.2023.



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2. The petitioner is the resident of Gopalapuram Village. In that village, a Temple, namely, Sri Perumal Kovil, is situated in S.No.54/35 at Gopalapuram Village, Virudhunagar Taluk. The said Temple is a public temple and the village people are worshipping the Lord Perumal for more than 50 decades and the Chithira Pournami festival was also conducted by three communities people every year by collecting "Thalai Kattu Vari". However, the 5th respondent's community people have conducted the temple festival last year, without following the procedures and not allowed the petitioner's Community people to participate in the temple festival. Since the said Perumal Temple is a public temple, the petitioner community people are also entitled to conduct the temple festival. The petitioner further alleges that the 5th respondent has also refused to collect "Thalai Kattu Vari" from the petitioner community people. In this regard, the petitioner made a representation to the respondents 2 and 3 on 06.04.2023. Since the said representation has not been considered, the present writ petition has been filed.



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3. The learned counsel appearing for the petitioner would submit that it would be suffice for the petitioner if a direction is issued to the 5th respondent to collect "Thalai Kattu Vari" from all community people for conducting the Chithira Pournami festival.

4. The learned Special Government Pleader appearing for the respondents 1 to 4 would submit that a peace committee meeting was conducted on 29.04.2023, in which, the petitioner and his community people as well as the 5th respondent and his community people have participated and also agreed to conduct the Chithira Pournami festival this year in a peaceful manner. In this regard, he has produced a copy of the proceedings dated 29.04.2023.

5. It is the grievance of the petitioner that the 5th respondent has refused to collect "Thalai Kattu Vari" from his Community people. But, the fact remains that the 5th respondent is not coming under the purview of Article 12 of the Constitution of India.



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Therefore, a writ of mandamus cannot be issued to the 5th respondent. This Court perused the proceedings dated 29.04.2023 produced by the learned Special Government Pleader. It appears that in the peace committee meeting conducted on 29.04.2023, both the petitioner community people and 5th respondent community people have participated and both parties also agreed to conduct the Chithira Pournami Festival this year in a peaceful manner and no condition was imposed for collecting "Thalai Kattu Vari" from any other community people. Therefore, the writ petition is misconceived and the same is dismissed. No costs.

04.05.2023

Index : Yes/No
Internet : Yes/No
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M.DHANDAPANI,J.

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