



W.P(MD)No.9771 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9771 of 2023
and
W.M.P(MD)No.8609 of 2023

N.Ayyappan

... Petitioner

Vs.

- 1.The District Collector
Tirunelveli District,
Tirunelveli.
- 2.The Superintendent of Police
Tirunelveli District,
Tirunelveli.
- 3.The Thasildar
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.
- 4.The Inspector of Police
Palavoor Police Station,
Palavoor,
Tirunelveli District.



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... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the decision taken in peace committee meeting held by the third respondent on 03.04.2023 and quash the same as illegal and unconstitutional, consequently direct the respondents 1 and 2 to ensure the right of the petitioner, his family and his clan to offer pot of Kolukkattai while dancing in trance towards the deities viz Aaliparathi, Pattarayan and Dhuttavarayan in the Poosastha Temple, South Karunkulam, Palavoor Taluk, Tirunelveli District, on the occasions of temple festival and ensure their hindrance free participation in other associated affairs of temple.

For Petitioner : Mr.J.Pooventhera Rajan

For Respondents : Mr.N.Muthu Vijayan - for R1 to R4

Special Government Pleader



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ORDER

The father of the petitioner herein had earlier filed W.P. (MD) No.21080 of 2021, seeking a Mandamus directing the respondents 1 to 3 therein, to ensure the entry and worship right of petitioner and his family members in Poosastha Temple, South Karunkulam, Radhapuram Taluk, Tirunelveli District. An order was passed by this Court on 22.12.2021, wherein, it had been stated as follows :

"3. It is informed by Mr.N.Satheesh Kumar, learned Additional Government Pleader that the third respondent had also received a complaint in this regard and therefore, with much wisdom and also acting with much prudence, had called upon all the parties concerned to ensure that decorum is maintained so far as entry into the Temple for conducting of poojas or right to worship is concerned.

4. It is informed that all the parties have decided to act within their own bounds and to respect the rights of the other parties. In this connection, it is also stated that the Temple has been locked but two separate keys had been given,



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one to the petitioner and his group another to the fourth respondent and his group.

5. This would naturally ensure that the petitioner/his family members can always enter the Temple even if it is locked by simply opening the lock and participate and worship the deity in the Temple. Naturally they also have the rights to participate in the Temple festivals. Similarly, the fourth respondent is also bestowed with similar rights. I hope that the petitioner and the fourth respondent would realize that the Temple is a place to maintain peace and is not a battle field. Let therefore prudence prevail upon the parties.

6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs."

2. It is stated that the petitioner therein and his family members had been given right to enter the temple. The petitioner herein is the son of the earlier writ petitioner. It is stated that the earlier writ petitioner had subsequently, died.



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3. In the present writ petition, a Certiorarified Mandamus is sought to call for the records of the decision taken in the Peace Committee Meeting held by the third respondent/ Tahsildhar, Radhapuram Taluk, Tirunelveli District on 03.04.2023. The said Peace Committee Meeting is only an arrangement made by the third respondent not exercising a statutory duty, but, in the interest of the temple and certainly not in the interest of any private individual in order to bring about peace and harmony among the villagers by conducting the festival in the temple. The Tahsildar can only conduct a Meeting and a reference and perusal of the Committee Meeting shows that all the parties have signed the same and have accepted to it. Reopening of that issue is not permissible since there is no statute involved or statutory duty involved on the Tahsildar to call for such a Peace Committee Meeting. It is part of his official work. It is not a public document wherein interference can be done by the Court by way of Certiorarified Mandamus to call for the records and to quash the same.



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4. Let peace remain. Let there be harmony. Let the petitioner participate in any festival of the said temple as earlier directed in the writ petition filed by his father where along with the father, the family members have also been given right. Let the matter rest of that.

5. With the above observation, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.04.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No

RM



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C.V.KARTHIKEYAN, J.

RM

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