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W.P.(MD)No.14692 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14692 of 2019

M.Govindan

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Tahsildar,
Ramanathapuram,
Ramanathapuram District.

4.Murugesan

5.Panchatcharam

6.Govindan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take necessary action on the basis of petitioner's representation dated 22.05.2019 with regard to participate and celebrating the temple festival namely Sri.Muthumariamman at Indira Nagar, Devipattinam, Ramanathapuram District.



For Petitioner : Mr.D.Anbarasu
For R1 to R3 : Mr.A.K.Manikkam,
Special Government Pleader
For R4 to R6 : Mr.K.Rajeshwaran

ORDER

Heard the learned counsel on either side.

2.The writ petitioner belongs to Arunthathiyar Community. The only prayer made in the writ petition is that their right to participate and celebrate the festivals in the petition mentioned temple should be protected. The petitioners allege that the private respondents who belong to the Paraiyar community are preventing them from exercising their religious rites.

3.The learned counsel for the private respondents would point out that in the petition mentioned village, the Arunthathiyar community are in a overwhelming majority and that the Paraiyar community persons are in a minority and he denied all the allegations of the writ petitioner. He also would submit that the building in question can be used for the common purpose of housing library.



4.It appears from the materials on record that the Arunthathiyar community is continuing to maintain the petition mentioned building as a temple. The temple appears to have been constructed some 17 years go. It is in a common area and is rather tiny. The dimensions of the structure shall not be expanded. It shall be maintained in the present the shape and form. Since the temple has already come into existence, it will continue to bear the same character. It is well settled that no section of public can be denied the right to participate and worship in a public temple. The petitioner's request is therefore accepted and the writ petition is allowed with the aforesaid observations. As regards the right of the paraiyar community to participate, reference needs to be made only to the Peace Committee Meeting's decision earlier taken. The said peace committee meeting had resolved that both the communities are entitled to participate and worship and one will not dominate the other.

5.Accordingly, this writ petition is disposed of. No costs.

09.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN, J.

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To:

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Ramanathapuram.
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Ramanathapuram,
Ramanathapuram District.
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