



W.P.(MD)No.12163 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.05.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.12163 of 2023

K.Rajasekaran,
Secretary of Sri Pappathi Amman Trust,
Margampatti, Oddanchatram Taluk,
Dindigul District.

... Petitioner

Vs.

1.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

2.Pon Egambaram

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to conduct the Kumbabisegam Festival of Sri Pappathi Amman Temple, Margampatti Village, Oddanchatram Taluk as scheduled between 21.05.2023 and 24.05.2023 by taking a decision in the peace committee meeting within a time frame as may be fixed by this Court.

For Petitioner : Mr.D.Venkatesh

For R-1 : Mr.M.Sarangan,
Additional Government Pleader

For R-2 : Mr.D.Sivaraman



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ORDER

Mr.M.Sarangan, learned Additional Government Pleader takes notice for the first respondent and Mr.D.Sivaraman, learned counsel takes notice for the second respondent.

2. This writ petition has been filed for issuance of a writ of Mandamus, directing the first respondent to conduct the Kumbabisegam Festival of Sri Pappathi Amman Temple, Margampatti Village, Oddanchatram Taluk as scheduled between 21.05.2023 and 24.05.2023 by taking a decision in the peace committee meeting within a stipulated period.

3. Mr.D.Venkatesh, learned counsel for the petitioner submitted that the second respondent is preventing the petitioner from conducting the Kumbabisegam Festival of Sri Pappathi Amman Temple. As a result of the decision arrived at between the petitioner's group and the second respondent's group, on the complaint of the second respondent, peace committee was constituted by the first respondent. The learned counsel sought to convene the peace committee meeting tomorrow on 19.05.2023



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so as to celebrate the Kumbabisegam Festival which is scheduled to be conducted between 21.05.2023 and 24.05.2023.

4. Per contra, Mr.D.Sivaraman, learned counsel appearing for the second respondent would vehemently opposed the submission made by the learned counsel for the petitioner stating that altogether there are 147 families attached to Margampatti Village as members and the deity of the said temple was originally worshipped in a tiled roof and violating all the norms of the original deity which was in a hanging posture, the petitioner constructed the disputed temple in an abandoned site by registering the Trust in the name of Pappathi Amman Arakkattalai on 25.04.2023 with the support of three families amongst 147 families and hence, such Kumbabisegam is unwarranted and the writ petition is liable to be dismissed.

5. Mr.M.Sarangan, learned Additional Government Pleader would submit that peace committee meeting may directed to be conducted in any convenient date as fixed by both the petitioner's group and the second respondent's group. However, the learned Additional



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Government Pleader insisted that sufficient time is necessary for the purpose of issuing notice to all the 147 members and also sought the writ petitioner as well as the second respondent to provide complete details as to all the 147 members facilitating proper conduct of peace committee meeting by the first respondent.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Considering the submissions made on either side, both the writ petitioner and the second respondent are directed to provide the complete details along with phone numbers of all the 147 members to the first respondent facilitating proper conduct of the peace committee meeting. After obtaining necessary details, the first respondent is directed to issue notice to all the 147 members and give opportunity to each and every family pertaining to the said temple and majority opinion of the families may be given weightage by the first respondent and decision can be accordingly arrived at. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this



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order. The writ petitioner and the second respondent are directed to provide complete details of 147 families to the first respondent, within a period of one week from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of.

No Costs.

18.05.2023

NCC: Yes/No

Index : Yes / No

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To

The Tahsildar,
Oddanchatram Taluk,
Dindigul District.



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L.VICTORIA GOWRI,J.

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