



W.P.(MD) No.14684 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 22.06.2023**

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

W.P.(MD) No.14684 of 2023

V.R.Thangapandian

... Petitioner

Vs.

1.The Joint Commissioner,  
Hindu Religious & Charitable Endowments Department,  
Dindigul.

2.The Executive Officer,  
Hindu Religious & Charitable Endowments Department,  
Thadikombu (Fit Person,  
Arulmigu Sri Kaliamman  
Sri Mariamman Thirukovil,  
Vaiwespuram,  
Nagaiahkottai Village,  
Gujjiliamparai),  
Dindigul District.

3.The Inspector of Police,  
Eriyodu Police Station,  
Dindigul District.

4.R.Subramanian

... Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the second respondent to permit the petitioner's group with police protection based on the representation dated 14.06.2023 to conduct the three days festival from 02.07.2023 to 04.07.2023 at Arulmigu Sri Kaliamman, Sri Mariamman Thirukovil in Natham Survey No.756/1, Survey No.1292/65, Vaiwespuram, Nagaiahkottai Village, Gujjiliamparai Taluk, Dindigul District.

For Petitioner : Mr.M.S.Suresh Kumar  
For R1 to R3 : Mr.P.Subbaraj  
Special Government Pleader  
For Proposed  
Party : Mr.S.Gokulraj

### **ORDER**

The above writ petition has been filed for issuance of Writ of Mandamus directing the second respondent to permit the petitioner's group with police protection, based on the representation dated 14.06.2023, to conduct the three days festival from 02.07.2023 to 04.07.2023 at Arulmigu Sri Kaliamman, Sri Mariamman Thirukovil in Natham Survey No.756/1, Survey No.1292/65, Vaiwespuram, Nagaiahkottai Village, Gujjiliamparai Taluk, Dindigul District.



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2. There are rival claimants with reference to the right to conduct the said festival. It is the case of the petitioner that Arulmigu Sri Kaliamman, Sri Mariamman Thirukovil, is situated at Vaiwespuram, Nagaiahkottai Village, Gujjiliamparai Taluk, Dindigul Distric in Natham Survey No.756/1, Survey No.1292/65. The said temple has been built before 150 years by his ancestor. The petitioner's ancestor was conducting pooja and festivals. One of the most important festival is conducted in the Tamil Month of Aani for three days. Besides, there are other festivals also being conducted. The festival is conducted from the amounts which is collected from all the villagers and different community people as vari. In 2007, a dispute arose between the fourth respondent's group and the petitioner's group. Therefore, a complaint was lodged with the authorities.

3. It is the further case of the petitioner that based on the complaint, a peace committee was held in the presence of the Tahsildar and the police officials, where an agreement was arrived at with reference to the conduct of pooja. The fourth respondent did not



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cooperate on the day of the festival and started to create trouble. That apart, the collected money by the fourth respondent was kept in his custody, though for the past five years, no festival is being conducted. It is also appears that the fourth respondent filed O.A.No.46 of 2022 before the first respondent under Section 63(b) of HR&CE Act (Act 22 of 1959) before the first respondent. He had not deemed it fit to implead the petitioner and his people. Therefore, the petitioner had filed an application for impleading and the same was allowed. Therefore, as an date there is a dispute as to who is the hereditary trustee.

4. Mr.S.Gokulraj, learned counsel seeks time to file impleading petition on behalf of Perumal Nayakkar and Kannadasan. Considering the fact that this Court intends to dispose of the writ petition, there is no necessity to implead any persons.

5. In the light of the dispute, which is admitted by all the parties concerned i.e., both the temple as well as worshipers, the festival should be conducted by the Fit Person and no other party shall be involved in



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the conduct of the function. The Fit person shall render the account at the end of the festival. Further, the first respondent is directed to dispose of O.A.No.46 of 2022 within a period of three months from the date of receipt of a copy of this order, after hearing all the parties. No costs.

**22.06.2023**

NCC : Yes/No  
Index : Yes/No  
Internet : Yes/No  
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*Note: Issue order copy on 27.06.2023*

To

- 1.The Joint Commissioner,  
Hindu Religious & Charitable Endowments Department,  
Dindigul.
- 2.The Executive Officer,  
Hindu Religious & Charitable Endowments Department,  
Thadikombu (Fit Person,  
Arulmigu Sri Kaliamman  
Sri Mariamman Thirukovil,  
Vaiwespuram,  
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P.T.ASHA, J.

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3.The Inspector of Police,  
Eriyodu Police Station,  
Dindigul District.

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Dated: 22.06.2023