



W.P(MD).No.16299 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04.12.2023

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CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

W.P(MD).No.16299 of 2021

A.Thalavai Pillai

... Petitioner

Vs.

1. The Superintendent of Police,

O/o. Superintendent of Police,

Thoothukudi District.

2. The Revenue Divisional Officer,

Thoothukudi,

Thoothukudi District.

3. The Tahsildar,

Srivaikuntam Taluk,

Thoothukudi District.



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4. The Inspector of Police,
Thattapparai Police Station,
Thoothukudi-Urban,
Thoothukudi District.

5. The Sub-Inspector of Police,
Thattapparai Police Station,
Thoothukudi-Urban,
Thoothukudi District.

6. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Tirunelveli-2.

7. M.Subbaiah

8. A.Ramachandran

9. Parvathiammal

10. Valliammal

11. Velumayil Pillai

12. S.Subbaiah

... Respondents



W.P(MD).No.16299 of 2021

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other appropriate order or direction in the nature of writ calling for the records relating to the impugned proceedings dated 10.08.2019 in Na.Ka.A4/5300/2019 on the file of the 3rd respondent and quash the same and further directing the respondents 1 to 6 to permit the petitioner to conduct the temple festival viz., “Arulmigu Akkini Muthamman Temple”, Keelasekkarakudi, Tuticorin District.

For Petitioner : Mr.M.P.Senthil
For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor
for R1 to R6
: Mr.S.Muthumalairaja
for R7 to R12

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings dated 10.08.2019 in Na.Ka.A4/5300/2019 on the file of the third respondent and by directing the respondents 1 to 6 to permit the petitioner to conduct the temple festival viz., “Arulmigu Akkini Muthamman Temple”, Keelasekkarakudi, Tuticorin District.

2.The brief facts of the case is that the temple viz., “Arulmigu Akkini Muthamman Temple”, Keelasekkarakudi, Tuticorin District, was originally established by one Arumugam Pillai of Keelasekkarakudi in



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his own land, which belongs to Nankudi vellalar Community. After the demise of the said Arumugam Pillai, the said temple is maintained and administered by the male descendants of the said Arumugam Pillai. At present, the 8th generation of the Arumugam Pillai is maintaining the temple. As of now, 181 families are Varisutharar's and no one else has any right to make a claim over the temple either by way of trusteeship of by way of any administration of the temple. The temple is a purely a private family temple belonging to the descendants of the original founder Arumugam Pillai. The certain persons, who have no right over the administration and management of the temple, made attempted to claim right over the temple. Hence, the petitioner gave a complaint against the other parties. Since the same dispute is still continuing in the village, several writ petitions were filed before this Court and the same were disposed of by this Court.

3. Today (25.09.2023), when the matter is taken up for hearing, both counsel on record would submit that the the matter has been amicably settled between the parties and they have already filed joint compromise memo dated 27.11.2023, which is extracted here under:-



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH
(Special Original Jurisdiction)

W.P.(MD)No.16299 of 2021

A. Thalavai Pillai,
S/o. Agnimuthu Pillai,
No.10/228, Perumal Kovil Street,
Keelasekkarakudi,
Srivaikuntam Taluk,
Thoothukudi District.

... Petitioner

Vs.

- 1) The Superintendent of Police,
O/o. Superintendent of Police,
Thoothukudi District.
- 2) The Revenue Divisional Officer,
Thoothukudi,
Thoothukudi District.
- 3) The Tahsildar,
Srivaikuntam Taluk,
Thoothukudi District.
- 4) The Inspector of Police,
Thattapparai Police Station,
Thoothukudi-Urban,
Thoothukudi District.



சு. பி. மனோகந்திரம்

Petitioner

M. Subbiah
A. Ramanathan

LTP

Parvathiammal

LTP

Valliammal

சு. சிவசுந்தரி

S. S. Sivan

Respondents 7 to 12



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- 5) The Sub-Inspector of Police,
Thattappanam Police Station,
Thoothukudi-Urban,
Thoothukudi District.
- 6) The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Tirunelveli-2.
- 7) M. Subbiah,
S/o. Muthusamiya Pillai,
Door No. 11/156, West Street,
Keelasekkarakudi & Post,
Srivaikuntam Taluk,
Thoothukudi District.
- 8) A. Ramachandran,
S/o. Arumuga Nainar Pillai,
No.10/23, North Street,
Keelasekkarakudi,
Srivaikuntam Taluk,
Thoothukudi District.
- 9) Parvathiammal,
W/o. Sappani Muthupillai,
No.8/82, Amman Kovil Street,
Keelasekkarakudi,
Srivaikuntam Taluk,
Thoothukudi District.



தி. ப. மனோகந்திரன்

Petitioner

M. Subbiah
A. Ramachandran
112 Parvathiammal
157 Valliammal
சு. ப. மனோகந்திரன்
S. S. Manojan

Respondents 7 to 12

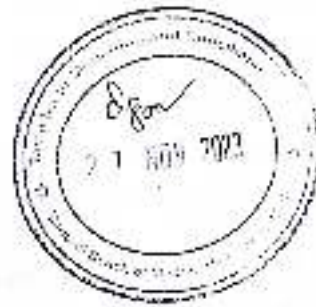
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- 3
- Valliammal,
W/o. Vellaisamiya Pillai,
No.10/203/2, North Street,
Keelasekkarakudi,
Srivaikuntam Taluk,
Thoothukudi District.
- 11) Velumayil Pillai,
S/o. Late. Arumuganathan Pillai,
No.11/10, West Car Street,
Keelasekkarakudi,
Srivaikuntam Taluk,
Thoothukudi District.
- 12) S. Subhaiah
S/o. Sappani Munira Pillai,
Door No.10/138, North Street,
Keelasekkarakudi & Post,
Srivaikuntam Taluk,
Thoothukudi District.



... Respondents

JOINT COMPROMISE MEMO FILED ON BEHALF OF THE
PETITIONER/RESPONDENTS 7 TO 12

1. The above writ petition has been filed by the petitioner challenging the impugned proceedings dated 10.08.2019 in No.Ka.A4/5300/2019 on the file of the 3rd respondent and further directing the respondents 1 to 6 to

m. Subhaiah

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LTI

[Signature]

LTI

[Signature]

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[Signature]

Respondents 7 to 12

[Signature]

Petitioner



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permit the petitioner to conduct the temple festival viz., Annamign Alkuni Methanathan Temple, Keelasekkarakudi, Tuticorin District.

2. The petitioner as well as the respondents submit that pending the above writ petition, both the parties appeared before the mediation Centre in order to resolve the dispute arose between us amicably. Wherein, after due deliberations with the other descendants of both the parties and after obtaining the consent from the descendants of both the parties we agree for the disposal of the above writ petition as per the terms of the above joint compromise memo.

Now the terms of the joint compromise memo witnesseth as follows:-

- i) The descendants/clan members of the either parties agree that the petitioner as well as the male and female descendants/clan members of one legal Annamign Pillai, who hailed from the family of Sinaa Rani Pillai will conduct the said "Kodai festival" on 2nd Tuesday of the Tamil month of Vaikasi of every year. The arrangements for the said Kodai festival will be separately administered and managed by the petitioner and his descendants/clan members.

M. Subbiah

A. Ramachandran

L11 [Signature] Peruvanthiyanmal

L12 [Signature] Valliammal

Sb. [Signature]

S. S. [Signature]

M. [Signature]

Petitioner

Respondents 7 to 12



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on the side of the respondents 7 to 12 and three persons on the side of the petitioner respectively nominated by the Dharmakantha of the either side. On the side of the petitioner and his clan members, three persons viz., S. Karuppasamy Pillai (Ex-Army), son of late. K. Subbaiah Pillai and Mr. A. Thalavai Pillai (petitioner), son of Late. K. Akkinimuthu Pillai and Mr. T. Narayanan, son of Thangiah Pillai have been nominated to act ~~now~~ till their lifetime. The following persons are appointed as the representatives for the petitioner and his clan members:-

- a. A. Thalavai Pillai (Petitioner), S/o. Late. K. Akkinimuthu Pillai as Dharmakantha till his lifetime.
- b. S. Karuppasamy Pillai (Ex-Army), S/o. Late. K. Subbaiah Pillai as Poesri till his lifetime.
- c. S. Murugen, S/o. Late. Subbaiah Pillai as Administrator.
- d. V. Massnam Pillai, S/o. Late. Vellaisamiya Pillai as Administrator.



M. Subbiah
A. Ramachandran

L77 [Fingerprint] Parvathiammal

L71 [Fingerprint] Valliammal
S. Srinivasan

த. தாமஸ் பிள்ளை

Petitioner

Respondents 7 to 12



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- e. K. Akkinimuthu, S/o. Late. Karuppasamia Pillai as Administrator,
 - f. A. Murugesan Pillai, S/o. Late. Arunachalam Pillai as Administrator,
 - g. T. Narayanan, S/o. Late. Thangalah Pillai as Accountant

At the time of performing the Pooja, the above said Dharmakartha Mr. A. Thalaivai Pillai will place the Soodam and Sambirani on the Theeba Thattu. One Mr. M. Karuppasamiya Pillai, S/o. Late. Muthusamiya Pillai will ring the holy hand bell at the time of Ponja.

- v) On the side of the respondents 7 to 12 and their descendants/dam members agrees to appoint the following persons as their representatives:-

- a. A.R. Arumuga Nairar Pillai as Dharmakartha,
- b. A.M. Arumugam Pillai as Poozari



சி.பி. அனந்தசுந்தரம்
Petitioner

m. Subbiah
A. Ramachandran

191 [Signature] Peruvathiamma

192 [Signature] Valliammal

193 [Signature]
S. S. Sivasubramanian

Respondents 7 to 12



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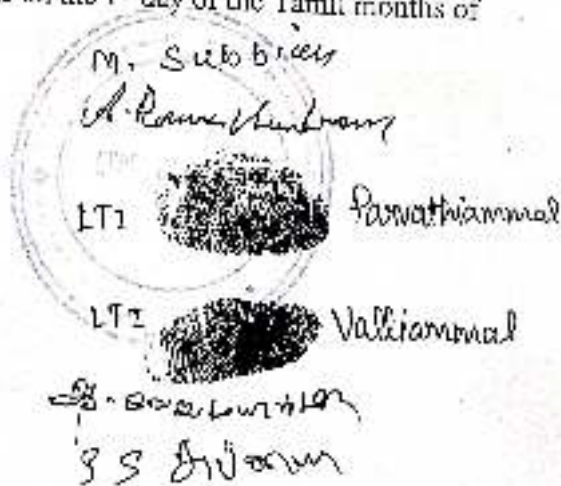
- c. A.V. Sudaini as Administrator,
- d. A.P. Sharmugam Pillai as Administrator,
- e. S.S. Parvathi Ammal as Administrator,
- f. V. Vellaiammal as Administrators.

The either parties should bind on the decision taken upon by the Diarmakarthis of either side.

- vi) The descendants/clan members of the either parties agrees that the petitioner and male and female descendants of the said Eral Arumugam Pillai will use the southern side room of the temple for keeping their Pooja materials and articles. Likewise, the respondents 7 to 12 and male and female descendants of Periya Raja Pillai shall use the northern side room of the temple. Further both the parties agree to maintain and safeguard the rooms separately allotted to them.
- vii) The descendants/clan members of the either parties agrees that the petitioner and their descendants of the said Eral Arumugam Pillai will perform Ponjas on the 1st day of the Tamil months of



சுமரம வலகந்தம்
petitioner



Respondents 7 to 12



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"Thai" and "Aavani" of every year. The respondents 7 to 12 and their descendants of Periya Raja Pillai completely agree to the celebration of the above said day Poojas.

viii) The descendants/clan members of the either parties agrees that the respondents 7 to 12 and their descendants/clan members will perform Poojas on 5th day of every "Thai" and "Aavani" of every year. The petitioner and their descendants completely agree to the celebration of the above said day Poojas.

ix) The descendants/clan members of the either parties agrees that the petitioner and their descendants/clan members will worship and perform Poojas on every last Tuesday of Tamil month of every year and the said pooja will be performed by the above said Karuppasamy Pillai, S/o. Late. K. Subbaiah Pillai as "pousari". Likewise, the respondents 7 to 12 and their descendants/clan members will worship and perform Poojas on 1st Tuesday of Tamil month of every year.

x) The pousari for the petitioner and their descendants/clan members will be the said Karuppasamy Pillai, S/o. Late. K. Subbaiah Pillai and he will perform the Poojas for all kodai



M. S. Manjunath
Petitioner

M. Subbiah
A. Perumal

L.F. [Signature] Perumal

L.F. [Signature] Valliammal

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S. S. [Signature]
Respondents 7 to 12



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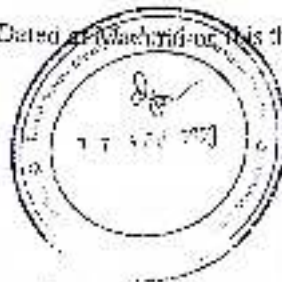
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festival and worship conducted by the petitioner and their descendants/clan members only till his lifetime as "Poozari".

- xi) The parties have entered into the above compromise on their own volition without any coercion, whatever and agrees to abide by the terms of compromise without any breach.
- xii) The above terms and conditions of the said joint compromise memo from English to Tamil and explained to both the parties as well as their descendants/clan members, representatives also.

It is therefore prayed that this Hon'ble Court may be pleased to record the above compromise memo and dispose the above writ petition in terms of the same and thus render justice.

Dated at Madras on this the 27th day of November, 2023.



M. Subbiah

M. Subbiah

LIT. *Poochiahramal*

LIT. *Valliammal*

Respondents 7 to 12

Respondents 7 to 12

S. Ramakrishnan

Petitioner

Ramamoorthy

Counsel for Petitioner

S. Subramanian

S. Subramanian
Counsel for Respondents

Witness:-

S. Subbiah 3/o *S. Subramanian* 5/88 *Chennai District*
S. Subbiah 4/o *S. Subramanian* 5/88 *Chennai District*
S. Subbiah 5/o *S. Subramanian* 5/88 *Chennai District*
S. Subbiah 6/o *S. Subramanian* 5/88 *Chennai District*
S. Subbiah 7/o *S. Subramanian* 5/88 *Chennai District*
S. Subbiah 8/o *S. Subramanian* 5/88 *Chennai District*
S. Subbiah 9/o *S. Subramanian* 5/88 *Chennai District*
S. Subbiah 10/o *S. Subramanian* 5/88 *Chennai District*
S. Subbiah 11/o *S. Subramanian* 5/88 *Chennai District*
S. Subbiah 12/o *S. Subramanian* 5/88 *Chennai District*

Mediator

27/11/2023

Mediator



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TUTICORIN: DISTRICT
HIGH COURT: MADRAS
AT MADURAI BENCH
(Special Original Jurisdiction)

W.P.(MD) No. 16299 of 2021



JOINT MEMO OF COMPROMISE
FILED ON BEHALF OF THE
PETITIONER/
RESPONDENTS 7 TO 12

Counsel for Petitioner

M/s.M.P. SENTHIL
(Enr.No.1873(d)/2000)

Counsel for Respondents 7 to 12

M/S. S. MUTHUMALAIRAJA
(Enr.No. 10716 / 2008)



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4.The contents of the above joint compromise memo are read over and explained to both the parties and they would admit the same. The joint compromise memo filed by both the parties is recorded.

5.In view of the compromise entered between the parties, the impugned order passed by the third respondent in his proceedings vide Na.Ka.A4/5300/2019 dated 10.08.2019 is quashed. Further, the jurisdictional Police Officer is hereby directed to give permission for conducting festival in the respective terms.

6. Accordingly, this Writ petition stands disposed of. No costs.

04.12.2023

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



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1. The Superintendent of Police,
O/o. Superintendent of Police,
Thoothukudi District.
2. The Revenue Divisional Officer,
Thoothukudi,
Thoothukudi District.
3. The Tahsildar,
Srivaikuntam Taluk,
Thoothukudi District.
4. The Inspector of Police,
Thattapparai Police Station,
Thoothukudi-Urban,
Thoothukudi District.
5. The Sub-Inspector of Police,
Thattapparai Police Station,
Thoothukudi-Urban,
Thoothukudi District.
6. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Tirunelveli-2.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P(MD).No.16299 of 2021

K.K. RAMAKRISHNAN. J.,

vsg

W.P(MD).No.16299 of 2021

Dated:04.12.2023