



W.P.(MD) No.15293 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.15293 of 2023

1.R.M.Murugappan

2.T.Palaniyandi

3.RM.Palaniyappan

... Petitioners

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Revenue Divisional Officer,
Pudukottai Division,
Pudukottai.

3.The Joint Commissioner,
Hindu Religious and Endowment Board Commissioner Office,
Tanjore District.

4.Assistant Commissioner,
Hindu Religious and Endowment Board Commissioner Office,
Pudukottai District.

5.The Deputy Superintendent of Police,
Deputy Superintendent Office,
Ponnamaravathy,
Pudukottai District.

... 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 respondents 3 and 4 to consider the petitioners' representation dated 01.06.2023 and to take suitable action against Kulamangalam Village, Arulmigu Udayaparasakthi Amman Temple Adi Festival celebrated from 9th Adi to 10 days and the person those who performed Udayaparasakthi Amman Temple Festival of 2023 year Adi at Kulamangalam Village, by gave 5th Honor to the petitioners' Village to issue permanently.

For Petitioners : Mr.K.Jeyamohan
for Mr.S.Muthukrishnan

For R1, R2 & R5 : Mr.T.Amjadkhan
Government Advocate

For R3 & R4 : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents 3 and 4 to consider the petitioner's representation dated 01.06.2023 and to take suitable action about



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Kulamangalama Village, Arulmigu Udayaparasakthi Amman Temple Adi Festival celebrated from 9th Adi to 10 days and the person those who performed Udayaparasakthi Amman Temple Festival of 2023 year Adi at Kulamangalam Village, by giving 5th Honor to the petitioners' Village.

2. It is the case of the petitioners that they belong to the Melapanayur Village and are devotees of the Arulmigu Udayaparasakthi Amman Temple situated in Kulamangalam Village, Thirumayam, Pudukottai. It is their case that during the festival and other special period their Village is entitled to the 5th honor. This is the custom, which has been travelling through the times. Their right has been recognized by the fourth respondent in the proceedings in O.A.No.53 of 1979, dated 25.06.1982, wherein the fourth respondent had clearly set out the grant of honor as follows:-

The honors viz., Viboothi Kalanji etc. have been given during Udayaparasathiamman Festival at Kulamangalam.

- 1.Aranmanaiyar*
- 2.Rajakkal Naickmar*
- 3.Amaravoolium*



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4.Kangani

5.Panaiyurar

6.Kulamangalam Oorar

3. This was once again recognized in the civil suit filed in O.S.No. 339 of 1995 on the file of the District Munsif cum Judicial Magistrate's Court, Thirumayam, for an injunction restraining the defendants therein from interfering with the honor given to the plaintiffs therein. The said suit was decreed relying upon the order of the fourth respondent and the subsequent challenge to the decree by the defendants in A.S.No.11 of 2004 has also ended in a dismissal. As a result, the right of the petitioners to the honor had been confirmed. While so, when the petitioners are being denied this honor by the respondents 3 and 4, they have given a representation on 01.06.2023 to the respondents to permit the petitioners' village to participate in 9th Adi festival of the Arulmigu Udayaparasakthi Amman Temple.

4. Heard the learned counsel appearing on either side and perused the records.



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5. The order of the fourth respondent and the decree in the suit clearly proved the custom and the fact that the petitioners' village has a right to the honor. Therefore, a direction is issued to the respondents to consider the representation of the petitioner dated 01.06.2023, in the light of the order passed by the Assistant Commissioner, HR&CE Department, Trichy, on 25.06.1982 and the decree passed in the suit in O.S.No.339 of 1995, on the file of the District Munsif Court, Thirumayam, confirmed by the learned Additional District Judge, Fast Track Court, Pudukottai, in A.S.No.11 of 2004 and pass appropriate orders, after hearing all the persons set out in the order of the Assistant Commissioner, which includes the Kulamangalam Villagers.

6. With the above direction, this Writ Petition is disposed of.

No costs.

28.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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P.T.ASHA, J.

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