



W.P.(MD)No.16080 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.16080 of 2023
and W.M.P.(MD)Nos.13469 and 13470 of 2023

M.Kamaraj

... Petitioner

versus

1. The District Collector,
O/o. The District Collector,
Trichy District,
Trichy.

2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Trichy District,
Trichy.

3. The Tahsildar,
Trichy West Taluk,
Trichy District.

4. The Inspector of Police,
Edamalaipatti Police Station,
Trichy District.

5. S.Amarnath

... Respondent

Writ Petition filed under Article 226 of the Constitution of India,



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seeking for the issuance of Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order in Na.Ka.A1/M.C.20/2022 dated 19.06.2023 on the file of the Respondent No.2 and quash the same as illegal and consequently, forbear the respondent No.5 from conducting festival in temple namely “Sri Mahakaliamman Temple” situated at Kothamangalam Village, Trichy District, to be held on 07.07.2023 to 09.07.2023 within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan
For R1 to R4 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
For R5 : Mr.B.Jameel Arasu

ORDER

The impugned order in this writ petition is the minutes recorded by the Revenue Divisional Officer, Trichy, in a Peace Committee Meeting held on 19.06.2023.

2. It appears that there is a dispute between the petitioner's group and the 5th respondent's group in maintaining the accounts of Sri Mahakaliamman Temple Festival. One Marimuthu, belonging to the petitioner's group, filed a writ petition before this Court in W.P.



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(MD)No.17611 of 2022, for a mandamus directing the Commissioner of Police, Tiruchirappalli, to give necessary permission to conduct the temple festival in Sri Mahakaliyamman Temple situated at Kothamangalam, Trichy. This Court, by order dated 05.08.2022, disposed of the writ petition, by recording the submission made by learned Government Advocate that the Inspector of Police, Edamalaipatti Pudhur Police Station, Trichy District, has referred the issue to the Revenue Divisional Officer to conduct a Peace Committee Meeting and the Revenue Divisional Officer has also fixed the date for Peace Committee Meeting on 24.09.2022.

3. The impugned order dated 19.06.2023 passed by the Revenue Divisional Officer, Trichy, reveals that there was a proceedings under Section 107 Cr.P.C. and Peace Committee Meetings were conducted on 09.07.2022, 25.02.2023 and 29.04.2023. The issue discussed in the Peace Committee Meetings is with regard to the maintenance of accounts for the temple festival. The Revenue Divisional Officer,



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Trichy, has also suggested to open a separate Bank Account and deposit all the amounts in the Bank Account, however, it was not agreed between the parties. The Revenue Divisional Officer has also recorded that the writ petitioner herein, Kamaraj, has not participated in the Meeting and it was informed that he is not inclined to participate in the Meeting. However, the petitioner has filed this writ petition alleging that he and his supporters, eighty (80) in number, have been ex-communicated from the Village and they have not been permitted to participate in the temple festival.

4. Mr.B.Jameel Arasu, learned counsel, who takes notice for the 5th respondent, submits that there is no question of ex-communication and it has been projected to make out a case in this writ petition. According to him, the petitioner was the then President of the Committee, who is supposed to maintain the account of the temple. The petitioner was elected as the President in the year 2017 and his tenure came to end in the year 2020. After his tenure period was over,



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he has not submitted the details of accounts with regard to the temple festival, to the subsequent committee, for which, a complaint has also been lodged by the 5th respondent, who is the present Chairman of the Committee, on 10.09.2022 before the Sub Inspector of Police, Edamalaipatti Police Station and the same is pending as petition enquiry.

5. The learned counsel appearing for the 5th respondent further submits that there is no objection for the 5th respondent or any other committee members in permitting the petitioner to participate in the temple festival.

6. However, the grievance of the petitioner is that no tax has been collected from his group, for which, the learned counsel for the 5th respondent agrees to receive the tax, if any, paid by the petitioner's group and he also assures that the petitioner's group will be permitted to participate in the temple festival.



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7. Considering the rival submissions made and also considering the fact that the temple festival is scheduled to be held on 07.07.2023 to 09.07.2023, this writ petition is disposed of in the following terms:

(i) The petitioner and his group shall participate in the festival. In the event the petitioner and others pay the tax, which is being collected for the purpose of temple festival, the 5th respondent, the present Chairman of the Committee, shall collect the tax amount and allow them to participate in the temple festival, without any discrimination among the villagers.

(ii) the 5th respondent, who is handling the accounts, is expected to open a separate Bank account for the purpose of maintaining the accounts for the temple festival and shall deposit all the amounts in the Bank account and spend the same for the temple festival with proper accounts.

(iii) The petitioner and the 5th respondent shall redress their grievances before the Assistant Commissioner of HR&CE, Tiruchirappalli, on maintaining the accounts by way of a representation and if any representation is made, the Assistant



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Commissioner shall enquire into the same and take further course of action. He shall also try to resolve the issue between the petitioner's group and the 5th respondent's group amicably.

(iv) The 4th respondent/the Inspector of Police, Edamalaipatti Police Station, Trichy District, shall provide necessary police protection and ensure that the temple festival is conducted in a peaceful manner. No Costs. Consequently, connected miscellaneous petitions are closed.

05.07.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

Note: Issue order copy on or before 06.07.2023



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B.PUGALENDHI, J.

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To

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Trichy.
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