



W.P.(MD)No.17407 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.17407 of 2023

and

W.M.P.(MD)No.14565 of 2023

1. V.Jeyaraman
2. K.Palchamy
3. V.Arumugam

... Petitioners

versus

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Superintendent of Police,
Sivagangai District,
Sivagangai.
3. The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.
4. The Tahsildar,
Kalayarkoil Taluk,
Sivagangai District.



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5. The Inspector of Police,
Kalayarkoil Police Station,
Sivagangai District.

6. The Village Administrative Officer,
Vittaneri Group,
Kalayarkoil Taluk,
Sivagangai District.

7. V.Veerapathiran

8. M.Ramanathan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 1, 3, 4 and 6 not to permit the 7th and 8th respondents conducting separately by themselves the ensuing Sree Arulmigu Muthumariamman Temple Festival at Sathani Village, Sivagangai District, including the 'Muzhaipari' event on 25.07.2023 or on any other date in violation of the decision for joint festival by the people of the said village in furtherance of the 'Peace Committee Resolution' dated 22.08.2022.

For Petitioners : Mr.Isaac Mohanlal,
Senior Counsel
for M/s.Isaac Chambers

For RR1, 3, 4 & 6: Ms.D.Farjana Ghoushia,
Special Govt. Pleader



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For R2 and R5 : Mr.P.Kottaichamy,
Government Advocate

For R7 and R8 : Mr.R.Balakrishnan

ORDER

The petitioners have approached this Court that the respondents 7 and 8 are conducting the festival of Sree Arulmigu Muthumariamman Temple situated at Sathani Village, Sivagangai District, with their own relatives of 30 families, without consulting and adding the remaining 70 villagers. Therefore, they have filed this writ petition for a Mandamus, directing the respondents 1, 3, 4 and 6 not to permit the respondents 7 and 8 from conducting the Temple Festival separately.

2. The learned counsel appearing for the petitioners submitted that taking 'Muzhaipari' otherwise called as 'Karagam' is the important event of this Temple Festival and the person, who is taking the first Muzhaipari would be given first respect. Earlier, the first respect was given to one Ambalam who carried the first Karagam till 2008 and



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thereafter, since the said Ambalam was bedridden, the 8th respondent was taking the Karagam and receiving the first respect in the year 2009 and 2010. Thereafter, due to some dispute, the first petitioner was taking the first Karagam from the year 2014 to 2019. The 8th respondent was also in abroad during the relevant period and he came back in the year 2022 and started to perform the pooja on his own with his family members and other relatives around 30 families by excluding the majority of villagers around 70 families. Therefore, there was a Police complaint, for which, a Peace Committee Meeting was also conducted on 22.08.2022, wherein, it was decided that festival scheduled on 23.08.2022 will not be conducted and the festival for the year 2023 will be conducted jointly. However, in this year also, the respondents 7 and 8 have intended to proceed with the temple festival without informing the petitioners and other villagers around 70 families in the Village. Therefore, the petitioners have filed this writ petition.

3. When the writ petition was taken up for hearing on



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19.07.2023, this Court directed the petitioners and respondents 7 and 8 to be present before this Court and also directed them to file an affidavit of undertaking that they would celebrate the festival jointly.

4. Pursuant to the direction of this Court, the petitioners and respondents 7 and 8 appeared before this Court today and filed their respective affidavit.

5. The petitioners have filed an affidavit stating that they are ready to co-operate for conducting the temple festival peacefully and to pay the tax as required for the temple festival and that they will not demand first respect during the temple festival.

6. The learned counsel appearing for the respondents 7 and 8 submits that the Temple Festival has started with Kappukattu on 23.07.2023 and the Karagam festival is scheduled on 01.08.2023. The respondents 7 and 8 have also filed their affidavit that they are not



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preventing anybody from participating in the temple festival and they are ready to accept the tax amount, which is collected from every family, including the petitioners and other family members and they are not insisting for the first respect during the temple festival.

7. Recording the affidavit filed by both the parties, this Court was about to dispose of the writ petition, permitting both the parties to proceed with the temple festival as scheduled. The petitioners, who are present before this Court, have expressed certain difficulty that they have to make some arrangements for the Karagam, like prepared menure and other requirements and for that, they require one week time and therefore, they requested to postpone the Karagam procession to 02.08.2023 instead of 01.08.2023.

8. The respondents 7 and 8 submit that the Karagam procession day has been fixed as per their custom and they used to perform the Karagam procession on Tuesday, which is the auspicious day for their



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deity. Therefore, they have expressed certain difficulty in postponing the festival that it would be against their custom, which has been adopted from time immemorial.

9. Considering the rival submissions made, this writ petition is disposed of, on the following terms:

(i) The respondents 7 and 8 shall proceed with the temple festival as scheduled on 01.08.2023.

(ii) If the petitioners or any other villagers intend to participate in the temple festival, the respondents 7 and 8 shall collect the tax from them and conduct the festival jointly.

(iii) In the event, the petitioners' group are having any difficulty in participating in the temple festival on 01.08.2023, it is open to them to conduct the temple festival separately on 15.08.2023. This arrangement is made only for this year, considering the difficulties expressed by both the groups.



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(iv) The petitioners and the respondents 7 and 8 shall avoid such an incident for the next year and shall ensure that the Temple Festival and other festivals in the village are performed jointly and unitedly. No costs. Consequently, connected miscellaneous petition is closed.

24.07.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The District Collector,
Sivagangai District,
Sivagangai.
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Sivagangai District,
Sivagangai.
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B.PUGALENDHI, J.

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