



WP(MD)No.18107 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.18107 of 2023

S.Azhagar

.. Petitioner

v.

- 1.The District Collector,
Office of the District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Office of the Tahsildar,
Karaikudi Taluk, Sivagangai District.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District.
- 5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Devakottai Sub-Division,
Sivagangai District.



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6. The Inspector of Police,
Kallal Police Station,
Sivagangai District.

7.P.Balasubramanian

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 to 3 to grant permission to conduct the temple festivals of Aagasa Karuppar Temple and Arulmighu Thiruvananayagai Amman Temple, Soorakudiyan Village, Sivagangai District, with the aid of police protection based on the petitioner's representation dated 22.06.2023.

For Petitioner : Mr.R.Mohanaraja

For Respondents : Mr.M.Sarangan,
Additional Government Pleader
for R.1 to R.3

Mr.P.Kottaichamy,
Government Advocate (Crl. Side)
for R.4 to R.6

Mr.I.Sabeer Mohamed
for R.7



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ORDER

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The petitioner claims to be the elected Community President of Veerasolai Nagar, Paadatthanpatti Post, Kallak, Sivagangai District. The said Veerasolai Nagar is consisting of 75 families belonging to same community and they are having two Temples, viz., Aagasa Karuppar Temple and Arulmighu Thiruvanayagi Amman Temple. The Villagers elect the Community President once in two years and this Community President would perform the function for the Temples. The Temples are having two major festivals every year, one in the month of May and the another in the month of August of every year.

2.The seventh respondent was the previous Community President. With a grievance that his family and ten other families of the village were not permitted to participate in the Temple festival, the seventh respondent has filed a writ petition before this Court in WP(MD)No.11756 of 2023. In that writ petition, this Court, by order dated 18.05.2023, directed the revenue officials to conduct a Peace Committee Meeting and to solve the dispute between the two groups.



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3.As directed by this Court, the Tahsildar has also conducted a Peace Committee Meeting on 20.05.2023 and in that meeting, both the groups have insisted to hand over the Temples' key with them. Therefore, there was no amicable settlement in the Peace Committee Meeting.

4.Now, the petitioner has come forward with this writ petition for a mandamus directing the respondents 1 to 3 to grant permission to conduct the Temple festival of Aagasa Karuppar Temple and Arulmighu Thiruvananayagi Amman Temple, Soorakudiyan Village, Sivagangai District, with the aid of police protection by considering his representation dated 22.06.2023. In this writ petition, the seventh respondent has also entered appearance and submitted that he has been ex-communicated from the village.

5.Learned Government Counsel for the official respondents submitted that if both the parties agree for an amicable settlement, they are prepared to provide necessary permission and police protection.



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6.The grievance of the seventh respondent is that the petitioner group has ex-communicated them and has not allowed them to participate in the function.

7.The petitioner has now come forward with an affidavit that both the groups belong to the same community and as such, there is no question of ex-communicating the seventh respondent. The petitioner has also given an undertaking that they are prepared to celebrate the festival jointly with the seventh respondent group also. Learned Counsel for the petitioner claimed that it is the seventh respondent, who has separately constructed a Temple and is not permitting the Villagers to have the regular festivals.

8.This Court considered the rival submissions made on either side and perused the available materials.

9.The seventh respondent has earlier approached this Court in the month of May, 2023, in WP(MD)No.11756 of 2023 for a mandamus



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directing the respondents therein to allow all the Villagers, including him, to participate in the Aagasa Karuppar Temple and Arulmighu Thiruvananayagi Amman Temple festivals scheduled on 23.05.2023, 24.05.2023. In that writ petition, after hearing the present petitioner, who is also one of the respondents therein, this Court has passed an order directing the Tahsildar to conduct a Peace Committee Meeting.

10. Accordingly, a Peace Committee Meeting was also conducted, but, in that meeting, the seventh respondent herein has insisted the petitioner group to hand over the Temples' key to him, which was not accepted by the petitioner. Therefore, recording this objection of the parties, the Tahsildar has closed the Peace Committee Meeting that the Temple festival could be proceeded only after the consensus of the parties. Therefore, the festival ought to have been conducted in the month of May, 2023, was not conducted.

11. The petitioner herein has now approached this Court for conducting the Aadi festival, which is scheduled to be conducted in the



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month of August, 2023. The seventh respondent is now taking a different stand as if he has been ex-communicated, though both the groups belong to the same community. The Temples are having two keys. One key is supposed to be with the Priest and the other one with the Community President. The petitioner is the elected Community President and as such, one of the keys is with him. For getting the keys of the Temples, it appears that the seventh respondent is creating some problem.

12.Considering the facts and circumstances of the case, this Court disposes of this writ petition with the following directions:-

- i) The jurisdictional Village Administrative Officer shall conduct the Temple festival, as scheduled, in the month of August, 2023.
- ii) The sixth respondent / Police shall provide adequate protection for the festival. If anybody is creating any law and order problem, the sixth respondent shall take adequate action by registering a criminal case.
- iii) The petitioner shall collect the taxes, if any, from the seventh respondent group and shall also permit them to participate in the festival, if they wish to participate.



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iv) The third respondent / Tahsildar is to give necessary instructions to the jurisdictional Village Administrative Officer in this regard.

There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

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B.PUGALENDHI, J.

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