



WP (MD) No.18166 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.18166 of 2023

and

WMP (MD) No.15150 of 2023

M.Singaraj

... Petitioner

Vs

1.The District Collector,
Trichy District.

2.The Revenue Divisional Officer,
Trichy East,
Trichy District.

3.The Tahsildar,
Trichy East,
Trichy District.

4.Kumareswaran

5.Hari Krishnan

6.Chandrasekaran

7.Subramani

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records of the impugned order dated 07.07.2023 passed by the 3rd respondent, quash the same as illegal and consequently



WP (MD) No.18166 of 2023

direct the respondents 1 to 3 to give permission to conduct Allmuni Masi Periyannasamy Temple festival.

For petitioner : Mr.K.Yasar Arafath
For Respondent : Mr.P.T.Thiraviyam,
Nos.1 to 3 Government Advocate
For Respondent :Mr.N.Ananda Kumar
Nos.4 to 7

ORDER

This writ petition is filed as against the order of the Tahsildar, dated 07.07.2023, which was a resolution of the peace committee meeting, through which the Tahsildar has ordered to not to conduct the festival at Masi Periyannansamy temple at K.Sathanur, Trichy District.

2.The learned Counsel for the petitioner submits that Masi Periyannansamy temple is situated in Kavalkara street, K.Sathanur, Trichy District. There are 36 families in and around the temple in the village and they are offering worship and performing poojas in the temple. Usually festival is conducted in the month of Aadi of every year. Further there is a customary practice in the temple to select Marulazhi (Samiyadi) by way of augur.



WP (MD) No.18166 of 2023

This petitioner's grandfather one Mookaiah was the Marulazhi of the temple and he died last year. However, instead of selecting the next Marulazhi by way of the customary practice, which has been adopted for the past several years, respondents 4 to 7 have identified the 6th respondent on their own as Marulazhi for conducting the festival in the last year. The petitioner and the entire villages have raised objection for such selection. The issue was taken to the police station, wherein the respondents 4 to 7 had undertaken that in future they would select the Marulazhi as per the customary practice only and this was also accepted by the petitioner. However, this year also there are issues with regard to the conduct of the festival, which was taken to the Tahsildar, who has conducted peace committee meeting on 07.07.2023. Since there was no amicable solution arrived at in the peace committee meeting, the Tahsildar ordered not to conduct the temple festival for this year. Challenging the same, this writ petition is filed.

3.The learned Counsel for the petitioner submits that



WP(MD)No.18166 of 2023

the festival has been conducted in the temple for the past 10 years without any issues and from the last year, the respondents 4 to 7 are creating problems by selecting Mirulazhi on their own as against the customary practice and stopped the festival of this year.

4.The learned Counsel appearing for the respondents 4 to 7 seeks time to file his counter.

5.This Court considered the rival submissions and perused the materials placed on record.

6.The Tahsildar, who has conducted peace committee meeting on 07.07.2023 has passed an order not to conduct festival in the Masi Periyannansamy Temple, K.Sathanur Trichy District. The Tahsildar is not having any authority to pass such an order by convening peace committee meeting, which is not having any statutory value and therefore, the impugned order is liable to be set aside. Accordingly, the impugned order is set aside. It is open to the petitioner to conduct the festival as per the customary



WP(MD)No.18166 of 2023

practice adopted in the temple and in the event of any law and order issue, it is the duty of the respondents to provide necessary protection for conducting the festival. No costs. Consequently connected miscellaneous petition is closed.

17.08.2023

Note: Issue order copy on 21.08.2023

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

dsk

To

- 1.The District Collector,
Trichy District.
- 2.The Revenue Divisional Officer,
Trichy East,
Trichy District.
- 3.The Tahsildar,
Trichy East,
Trichy District.



WEB COPY



WP (MD) No.18166 of 2023

B.PUGALENDHI, J.

dsk

WP (MD) No.18166 of 2023

17.08.2023