



W.P.(MD)No.18372 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.18372 of 2023
and W.M.P.(MD)No.15245 of 2023

M.Velladurai

... Petitioner

versus

1. The District Collector,
Collectorate,
Tenkasi,
Tenkasi District.
2. The Superintendent of Police,
O/o. The Superintendent of Police,
Tenkasi District.
3. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.
4. The Tahsildar,
O/o. The Tahsildar,
Sivagiri,
Tenkasi District.
5. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Puliyankudi,
Tenkasi District.



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6. The Inspector of Police,
Puliyankudi Police Station,
Puliyankudi,
Tenkasi District.

7. Pandiaraja

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 4th respondent to consider the petitioner's representation dated 26.07.2023 and subsequently, direct the 4th respondent not to permit the 7th respondent to conduct any festival this year in Arulmigu Uchini Makaliamman Temple, Nerkattanseval, Sivagari.

For Petitioner	: Mr.V.Rajiv Rufus
For R1, R3 and R4	: Mr.G.V.Vairam Santhosh, Additional Government Pleader
For R2, R5 and R6	: Mr.P.Kottaichamy, Government Advocate
For R7	: Mr.R.J.Karthick

ORDER

The petitioner is a native of Nerkattanseval. He has filed this writ petition for a Mandamus directing the 4th respondent/the Tahsildar, Sivagiri, to consider his representation dated 26.07.2023 and not to



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permit the 7th respondent to conduct any festival this year in Arulmigu Uchini Makaliamman Temple, Nerkattanseval, Sivagari.

2. A representation of the petitioner was made to the 4th respondent/the Tahsildar, Sivagiri, that there shall not be any function or celebration in Arulmigu Uchini Makaliamman Temple, Nerkattanseval, Sivagari. Knowing that the 4th respondent/the Tahsildar, Sivagiri, has already convened a Peace Committee Meeting on 05.03.2023, wherein, a decision was also taken permitting the parties to conduct the temple festival in a peaceful manner, the petitioner has submitted this representation dated 26.07.2023 to the 4th respondent and filed this writ petition for a Mandamus directing the 4th respondent not to permit the 7th respondent to conduct any temple festival for this year also.

3. The learned counsel appearing for the petitioner, by referring to the criminal cases, which were registered in the year 2015 in Cr.Nos.



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152 and 153 of 2015 on the file of the Puliyanakudi Police Station, submits that there is a dispute between two groups, for which, criminal cases are also pending. This Court, in W.A.(MD)No.807 of 2016, on 29.04.2016, has also taken cognizance of this issue and passed an order with certain conditions that the festival shall be conducted by HR&CE Department. However, a murder had taken place in the year 2016 and thereafter, for the past 7 years, the temple festival was not conducted. Therefore, according to the petitioner, if any temple festival is conducted again, another untoward incident may take place. Apprehending the law and order problem, the petitioner has approached the 4th respondent/the Tahsildar, Sivagiri, by way of his representation dated 26.07.2023 and also filed this writ petition before this Court.

4. Mr.R.J.Karthick, learned counsel, who takes notice for the 7th respondent, submits that this writ petition is filed at the instance of one Gomathi Muthu Rani, the appellant in W.A.(MD)No.807 of 2016.



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The said Gomathi Muthu Rani, claiming to be the descendent of Zamindar, was insisting for the first honour during the temple festival that was not accepted by the Villagers. Therefore, she has not permitted the Villagers to perform the temple festival for the past 7 years. The learned counsel further submits that at the instance of the entire Villagers and on their efforts, the temple was renovated and Kumbhabhishekham was also performed peacefully in the month of March 2023. Now, the entire villagers are intending to perform the annual festival as usual, which was conducted previously.

5. Mr.R.J.Karthick, learned counsel for the 7th respondent, has also referred to the order of this Court in W.A.(MD)No.807 of 2016. He further submits that the entire Villagers are worried and disappointed that the temple festival has not been performed for several years. For the welfare of the village and the people, the Villagers should be allowed to perform the temple festival in a peaceful manner. The learned counsel further submits that the 7th respondent, being the



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Panchayat President, will extend his cooperation for the peaceful conduct of the temple festival and also for the welfare of the people of the Panchayat.

6. Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who takes notice for the respondents 1 to 4, on instructions, submits that at the time of conducting the Kumbhabhishekam, a Peace Committee Meeting was conducted by the 4th respondent/the Tahsildar, Sivagiri, on 05.03.2023 and a resolution was passed based on the orders of this Court in W.A.(MD)No.807 of 2016 and the Kumbhabhishekam festival was conducted peacefully. If the parties approach again, the 4th respondent is also ready to co-operate for the peaceful conduct of the temple festival for this year, by stipulating conditions, if any.

7. Mr.P.Kottaichamy, learned Government Advocate (Crl. Side), who takes notice for the respondents 2, 5 and 6, submits that there was



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some incident in the year 2015 and 2016 and now, there is no such law and order problem.

8. The 6th respondent/the Inspector of Police, Puliyanakudi Police Station, Tenkasi, is also present before this Court today. When this Court enquired him as to whether there is any law and order problem prevailing in the Village, he submits that there is no such law and order problem as of this year. He also assures that the festival can be conducted in a peaceful manner.

9. This Court considered the rival submissions and perused the materials placed before this Court.

10. It is the sentiment of the villagers that the temple festival has to be celebrated every year. It appears that due to some misunderstanding between two groups, the temple festival was not conducted for the past 7 years. However, the Villagers, on their efforts,



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have renovated the temple and Kumbhabhishekham was also performed in the month of March 2023 in a peaceful manner.

11. Considering the subsequent development that the Kumbabishekam has already been completed in a peaceful manner and they want to proceed with the annual function celebrated every year, this Court is of the view that the festival has to proceed as per their custom this year also.

12. Further, this Court, while disposing of the writ appeal in W.A.(MD)No.807 of 2016, has passed the following orders:

“Considering the past experience and events leading to some difficulties, in conducting the above festivals, we deem it fit,

(i) to appoint the Assistant Commissioner, Hindu Religious and Charitable Endowment Department, within whose jurisdiction the temple in question is located, to be the officer in-charge to conduct the festivals on the scheduled dates. Both the parties in the writ appeal



would remit the expenditure, by way of cash, in equal proportion, to the Assistant Commissioner, HR & CE Department, so appointed.

(ii) The Assistant Commissioner, HR & CE Department, shall take note of the customary practices followed in the village, in relation to conduct of holy pole erecting ceremony, flag hoisting ceremony and pookkuli irangum vizha and in the matter of performing poojas, in the temple in question.

(iii) The Assistant Commissioner, HR & CE Department, shall get the assistance and guidance in the matter of conducting festivals and performing poojas, etc., from the rival parties. In this regard, both the parties shall nominate such persons, numbering 3, to assist the Assistant Commissioner, HR & CE Department.

(iv) The Assistant Commissioner, HR & CE Department, shall maintain proper accounts.

(v) Inasmuch as it is the primary concern of both the parties to have the above said festivals conducted in a peaceful manner, without claiming any exclusive right over the first honour or privilege, as stated supra, the villagers, representing both the groups or any other party, are expected to maintain peace and harmony, without



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giving any room to quarrel or untoward incident, in the matter of performance of poojas or conducting festivals.

(vi) Notwithstanding the above and taking note of the order of the Revenue Divisional Officer, dated 27.04.2015, issued under Section 146(1) of the Code of Criminal Procedure and keeping in mind that there should be some preventive steps to avoid any incident, we deem it fit to direct the Deputy Superintendent of Police, Puliyankudi Range, within whose jurisdiction the temple is located, to provide adequate 6 police protection and ensure deployment of adequate men and monitor the same.

(vii) In the case of difference of opinion in the matter of performance of poojas and conducting festivals between the members so nominated by the rival groups, it is always open to the Assistant Commissioner, Hindu Religious and Charitable Endowment Department, so appointed, to take independent decision, which shall bind all the parties.

13. Considering the fact that there was some dispute in the year 2015-2016 and in the writ appeal filed by one Gomathi Muthu Rani,



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this Court, by Judgment dated 29.04.2016, disposed of the writ appeal with certain directions, this Court is also inclined to permit the Villagers to conduct the temple festival this year also, on the same lines.

14. The petitioner and 7th respondent have agreed for the terms prescribed in W.A.(MD)No.807 of 2016.

15. It appears that some conditions have been imposed by the 4th respondent/the Tahsildar, Sivagiri, for the conduct of the Kumbhabhishekham in the month of March 2023 and the Kumbhabhishekham also went smoothly without any untoward incident. Further, the 7th respondent, being the Panchayat President, assures this Court that he will extend his co-operation for the peaceful conduct of the temple festival and ensures that the temple festival is conducted in a peaceful manner without any untoward incident. The 6th respondent/the Inspector of Police, Puliyanakudi Police Station also



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assures that the festival can be conducted in a peaceful manner.

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16. Considering the undertaking given by the petitioner, 7th respondent and also the assurance given by the 6th respondent/the Inspector of Police, Puliyanakudi Police Station, this writ petition is disposed of. The temple festival shall proceed this year also, as per the directions of this Court passed in W.A.(MD)No.807 of 2016 dated 29.04.2016. The petitioner and 7th respondent shall bear the expenses for the temple festival.

17. During the temple festival, the respondents 5, 7 and 6 shall be present and ensure that the temple festival is conducted in a peaceful manner without any untoward incident. The Assistant Commissioner, HR&CE Department, shall conduct the temple festival peacefully, without giving any first honour to any of the parties including the officials. No costs. Consequently, connected miscellaneous petition is closed.



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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

Note: Issue order copy on 31.07.2023.

To

1. The District Collector,
Collectorate,
Tenkasi,
Tenkasi District.
2. The Superintendent of Police,
O/o. The Superintendent of Police,
Tenkasi District.
3. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Sankarankovil,
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4. The Tahsildar,
O/o. The Tahsildar,
Sivagiri,
Tenkasi District.
5. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
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