



W.P.(MD).No.18749 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.18749 of 2023

M.Periasamy

... Petitioner

Vs.

- 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.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Trichy.

6.S.Amarnath

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fifth respondent to grant permission to conduct the festival in temple namely “Sri Mahakaliyamman Temple” situated at Kothamangalam Village, Trichy District to be held on 04.08.2023, 11.08.2023 to 14.08.2023 by considering the petitioner's representation dated 21.07.2023 within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For R-1 to R-3 : Mr.S.P.Maharajan
and R-5 Special Government Pleader

For R-4 : Mr.K.Sanjai Gandhi,
Government Advocate,
(Criminal Side).

For R-6 : Mr.B.Jameel Arasu

ORDER

This Writ Petition is filed for Mandamus, directing the fifth respondent to grant permission to conduct the festival in temple namely “Sri Mahakaliyamman Temple” situated at Kothamangalam Village, Trichy District to be held on 04.08.2023, 11.08.2023 to 14.08.2023 by considering the petitioner's representation dated 21.07.2023.



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2. The petitioner and the sixth respondent belong to the same Village and they have common Temple namely, “Sri Mahakaliamman Temple”, which was installed 20 years before. Earlier there were several litigations between the petitioner and the fifth respondent and this Court has passed two orders considering the claim of the petitioner and the sixth respondent. One such order was passed in W.P.(MD)No.16080 of 2023 filed by Kamaraj and this Court vide order dated 05.07.2023 permitted the sixth respondent to conduct a festival without any discrimination by allowing all people to participate in the festival and further directed to resolve the issue between the parties and also to maintain the records. But the sixth respondent has not complied with the order of this Court.

3. The said contention of the petitioner was refuted by the sixth respondent and the sixth respondent submitted that he has invited the petitioner as well as the group the petitioner is representing. Earlier one Kamaraj filed W.P.(MD)No.16080 of 2023 and the said Kamaraj is litigating through this petitioner. The respondents submitted that already function was conducted for this year. Now, the petitioner is seeking permission to conduct a festival on his own. The said festival can be conducted only once in a year.



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4. The petitioner has not preferred any complaint before the official respondents regarding the fact that the sixth respondent has not collected tax and he is preventing the petitioner and his group members from participating in the festival. When such complaint is not preferred by the petitioner and his group members, which is confirmed by the official respondents, the contention of the petitioner cannot be acceptable. Hence, this Court is inclined to dismiss this Writ Petition.

5. Next year, the petitioner as well as the group of people whom the petitioner is representing, as well as the sixth respondent, shall conduct the festival, by allowing all the members to participate in the festival, in a peaceful way.

6. With the above observation, this Writ Petition is dismissed. There shall be no order as to costs.

07.08.2023

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



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S.SRIMATHY, J.

Nsr

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