



WP(MD)No.20144 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.20144 of 2023

and

WMP(MD)Nos.16608, 16610, 16613 & 18286 of 2023

T.Periyasamy Pandurar

: Petitioner

Vs.

1.The Tahsildar,
Thiruverumbur Taluk,
Trichy District.

2.The Deputy Superintendent of Police,
Thiruverumbur,
Trichy District.

3.The Inspector of Police,
Thiruverumbur Police Station,
Trichy District.

4.K.M.Balasubramanian

5.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Trichy.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records relating to the impugned proceedings of the first respondent in Na.Ka.No.A2/025/2022 dated 21.06.2022 with regard to the management of Sekkuparai Ayyanar Temple, Koothaippar and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

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

Mr.P.Kottaichamy,
Government Advocate (Crl. Side)
for R.2, R.3

Mr.M.Saravanan
for R.4

ORDER

The issue in this writ petition is with regard to the conduct of Kumbabhisekam for Sekkuparai Ayyanar Temple, Koothaippar.



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2. According to the petitioner, all the arrangements for the festival have been made by the petitioner group by spending huge money and when the Kumbabhisekam is about to be conducted, the fourth respondent and group raised objections, created law and order problem. The issue was referred to the Tahsildar, who conducted a peace committee meeting and passed an order directing the petitioner to conduct the festival along with the fourth respondent. As against the order passed by the Tahsildar, the present writ petition is filed.

3. Learned Counsel for the petitioner submitted that the order passed by the Tahsildar in a peace committee meeting is not having any statutory authority and it cannot be sustained. He has also relied upon certain documents to show that the petitioner and group is administering the Temple and they only have met the expenses for the renovation of the Temple for conducting the festival. He further submitted that they are not preventing anybody from participating in the festival and to make their offerings. While so, the decision taken by the Tahsildar in the peace committee meeting, which



is impugned herein, may create a law and order situation and it may create confusion in the performance of the pooja.

4.Learned Counsel for the fourth respondent submitted that the fourth respondent is administering the Temple all along and the documents relied on by the petitioner are not belonging to the subject Temple. He further submitted that there are two Ayyanar Temples, namely, Sekkuparai Ayyanar Temple situated at Sembangulam Hamlet, which is being administered by the fourth respondent and group. The other Sekkupparai Ayyanar Temple is situated at Keezha Theru, which is being administered by the petitioner and group. The petitioner's Temple is situated within the Koothaippar Village and the fourth respondent's Temple at Sembangulam Hamlet is situated 1.5 kms away from the Village.

5.He further submitted that when the fourth respondent and group attempted to conduct the Kumbabishekam festival, the petitioner and others are creating confusion. Therefore, the first respondent has conducted a peace committee meeting on 21.06.2023, during which, both sides have agreed to



conduct the Kumbabishekam festival by forming a Committee consisting of both groups. Having participated in the peace committee meeting and agreed for conducting the Kumbabishekam festival by forming a Committee, the petitioner has filed this writ petition challenging the very same resolution.

6.Heard the learned Counsel appearing on either side and perused the materials placed on record.

7.Though the fourth respondent claims that there are two Ayyanar Temples and that their group is administering the Sekkuparai Ayyanar Temple at Sembangulam Hamlet, he has not placed any materials to substantiate the same. He has also not produced any materials to show that he spent any amount for the Kumbabhisekam festival.

8.The Sekkuparai Ayyanar Temple is going to have the concretion festival. In the private dispute between the petitioner and the fourth respondent over the administration of the Temple, let the deity need not wait for the performance of the pooja. Moreover, the Tahsildar is not having any



authority to pass any such order under the guise of a peace committee meeting. Therefore, the impugned order cannot be sustained and the same is accordingly set aside.

9.It appears that the petitioner has spent money for renovating the Temple and for conducting the Kumbabhisekam festival. Since the arrangements have already been made for the festival, the petitioner is permitted to conduct the festival in the presence of the officials of the Hindu Religious and Charitable Endowments Department. The petitioner shall not restrict anybody from participating in the festival. The fourth respondent and group shall also participate in the festival and offer their offerings, if any, without creating any confusion or law and order problem. The officials of the Hindu Religious and Charitable Endowments Department are to ensure that nobody is prevented from participating in the festival. If required, necessary police protection shall also be sought for and the third respondent / Inspector of Police shall provide adequate police protection to ensure that the Kumbabhisekam festival is conducted in a peaceful manner.



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10.It is made clear that the permission granted by this Court for the performance of the pooja does not confer any right to the petitioner that he is administering the Temple. The parties have to redress their grievance before the Commissioner, Hindu Religious and Charitable Endowments Department, u/s.63 of the Hindu Religious and Charitable Endowments Act. If any such application is filed, the Commissioner shall conduct an enquiry and frame a scheme with regard to the administration of the Temple.

In fine, the order impugned in this writ petition is set aside. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
gk

09.11.2023

Note: Issue order copy by today itself.

To

1.The Tahsildar,
Thiruverumbur Taluk,
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