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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

REV.APLW(MD)No.159 of 2023

in

W.P.(MD)No.19424 of 2023

R.Ramasamy

... Petitioner

vs.

1.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Thoothukudi District.

2.The Executive Officer,
Arulmigu Muniyasamy Thirukovil,
Vilathikulam Town & Taluk,
Thoothukudi District.

3.The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Thoothukudi.

4.The Inspector of Police,
Vilathikulam Police Station,
Vilathikulam, Thoothukudi District.

... Respondents



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PRAYER: Review Application Writ filed under Section 47 Rule 1 & r/w 114 CPC, to review application filed against order in WP.(MD).No.19424 of 2023 dated 10.08.2023 passed by this Court.

For Petitioner : Mr.J.Gunaseelan Muthiah

For R-1 & R-2 : Mr.S.P.Maharajan
Special Government Pleader

For R-3 & R-4 : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

O R D E R

This Review Application has been filed against the order, dated 10.08.2023 passed in W.P(MD).No.19424 of 2023.

2. Heard Mr.J.Gunaseelan Muthiah, the Learned counsel appearing for the Petitioner and Mr.S.P.Maharajan, the Learned Special Government Pleader appearing for R-1 & R-2 and Mr.K.Sanjai Gandhi, the Learned Government Advocate (Criminal Side) appearing for R-3 & R-4 and perused the material documents available on record.



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3. At the time of hearing W.P(MD)No.19424 of 2023, it was submitted that there was a dispute between the rival groups. According to the Review Applicant, the rival group had conducted temple festival for the year 2023 on 13.06.2023. However, the Review applicant was not allowed to participate in the temple festival. Moreover, the temple key was with the rival group. But the learned Special Government Pleader appearing for R-1 & R-2 submitted that the temple key was handed over to the concerned Executive Officer and this Court had recorded the same. This Court has taken into consideration the order dated 17.07.2023 passed in W.P.(MD)No.13365 of 2023 and thereafter had directed the parties to visit the temple and worship the Deity. However, when the issue was raised for conducting festival, this Court restrained all the parties to conduct festival in the year 2023 alone.

4. Now, this Review application has been filed seeking permission to conduct festival. In support of his contention, the Learned counsel appearing for the review applicant has submitted a list containing names more than 200 people,



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wherein they sought permission to conduct the festival, since they did not participate in the festival. After hearing the review applicant arguments and the rival group arguments, this Court is of the considered opinion that the festival cannot be conducted as per whims and fancies of the persons. There is a customary practice and the same ought to be adhered to. Again, this Court confirms that the Review applicant cannot conduct any temple festival for the year 2023 at all. However, the Review applicant is permitted to visit the temple and worship the Deity.

5. But the review applicant sought permission to conduct 'Annathanam' alone. The rival group vehemently objected for granting such permission, since in the village there are temples for each and every community and the review applicant also has a separate temple, but he is seeking permission to conduct 'Annathanam' in the rival group temple. Therefore the Review applicant is directed to submit an application to the respondents. The respondents shall consider the application after taking into consideration the facts and circumstances and also the ground realities and thereafter pass orders. The said



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exercise shall be completed within a period of four weeks from the date of receipt of the copy of the order.

6. With these terms, this Review Application is closed.

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

25.08.2023

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S.SRIMATHY, J

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