



W.P.(MD)No.20666 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20666 of 2023

Latha

... Petitioner

versus

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
3. The Tahsildar,
Taluk Office, Sivagangai Taluk,
Sivagangai District.
4. The Inspector of Police,
Madhagupatti Police Station,
Sivagangai District.
5. Jeganathan
6. Deivendiran



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7. Mayilvaganan

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order vide proceedings No.Na.Ka.A2/3621/2023 dated 14.08.2023 issued by the 3rd respondent and quash the same as unlawful, unconstitutional and arbitrary and consequently direct the respondents 1 to 3 to take necessary and appropriate action against the respondents 5 to 7 and their henchmen to include and collect the temple festival contribution from the petitioner as one among the members of Olukkaraiyan Kootam without discrimination on the basis of gender inequality for the ensuring festival to be celebrated to Arulmighu Shri Nainathan Karuppu Swamy, Shri Pechiamman, Shri Rakkayee Amman Temple, etc., during April, May & June, 2024.

For Petitioner : Mr.R.Murugan

For R1 to R3 : Mr.P.T.Thiraviam,
Government Advocate

For R4 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)



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ORDER

WEB COPY This writ petition is filed as against the proceedings of the 3rd respondent/the Tahsildar, Sivagangai, in Na.Ka.A2/3621/2023 dated 14.08.2023.

2. The petitioner's mother belongs to Olukkaraiyan Kootam and as there was no male member born along with this petitioner's mother, the petitioner's mother was paying the contribution regularly for the celebration of the temple festival. Due to her old age, the petitioner is paying the contribution as one among the members of Olukkaraiyan Kootam. However, the 3rd respondent/the Tahsildar, Sivagangai, passed the impugned order permitting the petitioner to pay contribution for the temple festival as “Vellani Kootam” not as “Olukkaraiyan Kootam”. Challenging the same, the present writ petition has been filed.

3. This Court considered the submission made by the learned



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counsel for the petitioner and also perused the materials available on record.

4. The petitioner has already approached this Court by way of filing a writ petition in W.P.(MD)No.19494 of 2023 stating that she has been discriminated on gender wise and the respondents therein have refused to collect contribution for the celebration of Mandhai Amman Temple Pongal Festival, which was likely to be conducted on 15.08.2023. Considering the grievance of the petitioner that she has been discriminated on gender wise, this Court, by order dated 11.08.2023, disposed of the writ petition directing the Tahsildar, Sivagangai, to consider the petitioner's representation and take necessary action on or before 14.08.2023. Accordingly, the Tahsildar has conducted an enquiry and passed the impugned order permitting the petitioner to pay contribution for Mandhai Amman Temple Pongal Festival. Now, the grievance of the petitioner is that the Tahsildar, Sivagangai has permitted her to pay contribution as “Vellani Kootam”



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not as “Olukkaraiyan Kootam” and therefore, the impugned order is liable to be set aside.

5. The impugned order appears to have been passed by the Tahsildar, Sivagangai, based on the directions issued by this Court in W.P.(MD)No.19494 of 2023 dated 11.08.2023. Again, the petitioner has filed the present writ petition that she is permitted to pay contribution as “Vellani Kootam” not as “Olukkaraiyan Kootam”. The petitioner claims that on behalf of her mother, she has been paying contribution as Olukkaraiyan Kootam. But, it appears that the petitioner's father belongs to Vellani Kootam and her sister one Sudha has also been paying contribution as one among members of the Vellani Kootam and therefore, the Tahsildar, Sivagangai, permitted the petitioner to pay tax (contribution) to the temple festival as one among members of Vellani Kottam.

6. The Tahsildar, Sivagangai, is not a competent authority to



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decide as to whether the petitioner belongs to Olukkaraiyan Kootam or Vellani Kootam. The petitioner has to establish her right only before the competent Civil Court.

6. This Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed with a cost of Rs.2,000/- (Rupees two thousand only) to the credit of Current Account No. 7567821433, (IFSC Code: IDIBI000H040), in the Indian Bank, High Court Branch, Madurai Bench of Madras High Court, Madurai, towards Kalaignar Centenary Library, within a period of two weeks from the date of receipt of a copy of this order. No costs.

24.08.2023

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



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B.PUGALENDHI, J.

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