



W.P(MD)No.22143 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22143 of 2023

Pappu Sita Lakshmanan

... Petitioner

Vs

**1.The District Collector,
Collectorate Comple,
Tirunelveli-9.**

**2.The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.**

**3.The Commissioner of Police,
Tirunelveli,
Tirunelveli District.**

**4.The Assistant Commissioner of Police,
Palayamkottai Division,
Tirunelveli District.**

**5.The Inspector of Police,
Palayamkottai Police Station (CI),
Tirunelveli District.**

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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respondents 1 and 2 to consider petitioner's representation dated 25.08.2023 and to take effective steps to celebrate the temple festival.

For Petitioner	:Mr.S.Ramesh
For R1 & R2	:Mrs.D.Farjana Ghowshia Special Government Pleader
For R3 to R5	:Mr.P.Kottaichamy, Government Advocate

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner based on a compromise decree passed in S.A(MD)Nos.445 and 446 of 2011 has submitted a representation on 25.08.2023 to the respondent seeking for police protection for conducting the festival of Arulmugu Ayya Vaikundasamy Thathuva Thava Dharmapathy temple situated in Palayamkottai and approached this Court that his representation has not been considered and as per the schedule the festival has to be commenced from 15.09.2023.



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3. The learned counsel for the petitioner admits that there is two groups in the village and there was some dispute with regard to performing the Pooja and this issue went up to this Court in S.A(MD)Nos.445 and 446 of 2011 and has finally disposed of as per the compromise decree and permitting the petitioner's group to perform Pooja with regard to the Arulmugu Ayya Vaikundasamy Thathuva Thava Dharmapathy temple and other temple namely Arulmigu Chockalingaswamy temple. Therefore, the dispute has already been resolved, however, by referring the dispute among the parties, the respondents have not taken any decision on the representation of the petitioner.

4. The learned Special Government Pleader appearing for the respondents 1 & 2 submitted that there are two groups in the village and therefore, they have to conduct an enquiry and only after ascertaining the same, they can pass necessary orders.

5. The learned Government Advocate (Crl.side) appearing for the respondents 3 to 5 submitted that the fifth respondent has also taken the same stand.



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6. This Court considered the rival submissions made.

7. The petitioner himself admits that there are two groups in the village and they are having some dispute with regard to the pooja to be performed in the temples and this issue has already been resolved by way of compromise decree in S.A(MD)Nos.445 and 446 of 2011. Since the other parties have agreed for certain terms in the second appeal, they cannot raise any further dispute for performing pooja.

8. Therefore, this writ petition is allowed with a direction to the fifth respondent to consider the representation of the petitioner for conducting festival commencing from 15.09.2023 in the light of the order passed by this Court in S.A(MD)Nos.445 and 446 of 2011 and pass orders on or before 14.09.2023. No costs.

NCC : Yes / No.

Index : Yes / No.

Internet: Yes

am

12.09.2023

Note: Issue Order Copy on 12.09.2023



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B.PUGALENDHI, J.

am

Order made in
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