



W.P.(MD)No.23697 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.23697 of 2023

Elavarasan

... Petitioner

versus

1. The District Collector,
Office of the District Collector,
Madurai District.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional office,
situated at Vellaripatti Village,
Melur Taluk,
Madurai District.
4. The Tahsildar,
Melur Taluk Office,
Melur,
Madurai District.



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5. The Deputy Superintendent of Police,
The Office of the Deputy Superintendent of Police,
Melur Sub Division,
Madurai District.

6. The Inspector of Police,
Melur Police Station,
Melur,
Madurai District.

7. Muthu Pandi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to forbear the respondents 1 to 6 herein from in any manner to extend temple honours to any person on 03.10.2023 and 04.10.2023 i.e. horse procession day of the Diety in connection with the Thiruvizha of Kanchivanam Swamy Temple situated at Melur opp. To Melur bus stand and Melur town, Madurai District by considering the petitioner's representation dated 23.09.2023.

For Petitioner : Mr.K.Rajesh

For R1, R3
and R4 : Ms.D.Farjana Ghoushia,
Special Government Pleader

For R2, R5
and R6 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)



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For R7 : Mr.Ram Sundar Vijayaraj

ORDER

The grievance of the petitioner is that a group of people are projecting the 7th respondent as the important person and they have intended to give first honour to him in the temple procession scheduled to be conducted on 03.10.2023 and 04.10.2023.

2. The learned counsel appearing for the 7th respondent submits that this is an honour which has been conferred on the 7th respondent, from time immemorial. He has also produced albums to that effect.

3. The learned Special Government Pleader appearing for the official respondents submits that on the dispute between the petitioner's group and the 7th respondent's group, they have already conducted peace committee meeting for four times, however, there was no amicable settlement among them.



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4. This Court considered the rival submission.

5. The temple festival is scheduled to be conducted on 03.10.2023 and 04.10.2023, at that time, they have also intended to conduct a procession. Now, it is the grievance of the petitioner that a group of people have intended to give first honour to the 7th respondent. The 7th respondent claims that he has been receiving the honour from time immemorial.

6. It appears that on the representation of the petitioner, the officials have also spent their valuable time by conducting peace committee meeting for four times, even thereafter, there was no amicable settlement between the parties.

7. This Court, time and again, reiterated that there shall not be any practice of first respect / first honor in any Temples. It is also the policy of the Government that all are equal before the deity and there cannot be any first honor to any individual.



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8. Further, Section 63(e) of the Hindu Religious and Charitable Endowments Act authorize the Joint Commissioner / Deputy Commissioner to decide whether any person is entitled, by custom or otherwise, to any honour by any established usage of that religious institution.

9. The 7th respondent claims that there is a hereditary practice of giving first respect/honour to him. If the 7th respondent wants to get first respect/honour in the temple festival, then he has to approach the concerned authority, namely, the Joint Commissioner of HR&CE Department, by filing an application under Section 63(e) of the HR&CE Act and get a recognition from the Joint Commissioner of HR&CE Department. In the absence of any specific order from the Joint Commissioner under Section 63(e) of the HR&CE Act, there cannot be any separate honour and first respect in the temple festival.

10. Accordingly, this writ petition is disposed of with a direction to official respondents to ensure that there shall not be any first honour



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to anybody in the absence of any specific order from the Joint

Commissioner of HR&CE Department. No costs.

27.09.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

Note: Issue order copy on or before 29.09.2023.

To

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B.PUGALENDHI, J.

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