



W.P(MD)Nos.25631 & 26234 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.25631 & 26234 of 2023

and

W.M.P(MD)No.22582 of 2023

W.P(MD)Nos.25631 of 2023:

P.Vellaiyappan

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 3.The Tahsildar,
Sattur Taluk,
Virudhunagar District.
- 4.The Inspector of Police,
Appaiyanaickanpatti Police Station,
Virudhunagar District.



W.P(MD)Nos.25631 & 26234 of 2023

5.Ponraj

6.Padmanathan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 3 by granting permission and adequate Police protection to the temple Pongal festival of Arulmighu Shri Ayyanar and Arulmighu Shri Kaliayamman Temple, situated at K.Chokkalingapuram, Sattur Taluk, Virudhunagar District in the light of the resolution passed by the third respondent in Na.Ka.A1/7030/2023 dated 30.09.2023.

For Petitioner : Mr.A.Manikandan

For Respondents : Mr.C.Satheesh
Government Advocate for R.1 & R.3

Mr.A.Albert James
Government Advocate for R.2 & R.4

Mr.I.Velpradeep for R.5 & R.6

W.P(MD)Nos.26234 of 2023:

Padmanathan

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2/8



W.P(MD)Nos.25631 & 26234 of 2023

2.The Tahsildar,
Sattur Taluk,
Virudhunagar District.

3.The District Superintendent of Police,
Sattur Police Station,
Virudhunagar District.

4.The Inspector of Police,
Appaiyanayakkanpatti Police Station,
Virudhunagar,
Virudhunagar District.

5.P.Vellaiyappan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to set aside the peace committee resolution passed by the second respondent vide Na.Ka.No.A1/7030/2023 dated 30.09.2023 and the quash the same and consequentially permit the petitioner's community people to celebrate the puratasi Pongal festival separately for the Arulmigu Kaliyamman Temple and Arulmigu Iyyanar Temple situated in Chokklingapuram, Sattur Taluk, Virudhunagar District after completion of Konar Community Pongal celebration in the above said temple.

For Petitioner : Mr.I.Velpradeep

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R.1 & R.3

Mr.A.Albert James
Government Advocate for R.2 & R.4
Mr.A.Manikandan for R.5



W.P(MD)Nos.25631 & 26234 of 2023

COMMON ORDER

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Heard both sides.

2. The issue concerns the celebration of the Temple festival for the petition mentioned Temple situated in Chokklingapuram, Sattur Taluk, Virudhunagar District. There are two major communities in the village (80 Yadhava families and 120 Nayakkar families). The elders in the Yadhava community are of the view that the Temple celebration must be jointly conducted. The elders in the Nayakkar community are of the view that since issues have arisen already, they would prefer to celebrate the event separately. In the peace committee meeting held on 30.09.2023, it was decided that only if the event is jointly conducted, permission will be granted and not otherwise. Challenging the said decision, W.P(MD)No. 26234 of 2023 has been filed by a person claiming to represent the Nayakkar community. W.P(MD)No.25631 of 2023 has been filed by a person claiming to represent the Yadhava community.

3. After hearing the learned counsel on either side, I am of the view that unity cannot be forced. If the Nayakkar community wants to



W.P(MD)Nos.25631 & 26234 of 2023

celebrate the Temple festival separately, they cannot be prevented from doing so. The learned counsel appearing for the petitioner in W.P(MD)No.26234 of 2023 makes it clear that they have no objection for Yadhava Community to celebrate the Temple festival first. This concession given by the learned counsel appearing for the Nayakkar community is placed on record.

4. I have been consistently holding that decision taken in a peace committee meeting does not have any statutory backing. Breach of decision taken in the peace committee meeting cannot lead to any legal consequence. I have also held that for celebrating a village Temple festival in a peaceful manner, permission from the authorities also not required.

5. In these circumstances, this writ petition is disposed of on following terms:

a) Nayakkar community of K.Chokklingapuram is at liberty to celebrate the Temple festival in the last week of this month ie., from 24.11.2023 to 30.11.2023. It is open to



W.P(MD)Nos.25631 & 26234 of 2023

any devotee including the persons from Yadhava community had to participate in the festival. If they are prevented, that would be deemed as a breach of this order passed by this Court.

b) It is open to the Yadhava community to celebrate the Temple festival prior to the said period. In other words, Yadhavar community can celebrate the festival in time between today (01.11.2023) and 23.11.2023.

I make it clear that this arrangement has been made only for the purpose of this year. I will not burden the jurisdictional Police with any responsibility. If any law and order problem arises, on receipt of the information, it is open to the fourth respondent to register an FIR and take action as per law.

6. These writ petitions are disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)Nos.25631 & 26234 of 2023

To

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- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 3.The Tahsildar,
Sattur Taluk,
Virudhunagar District.
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Appaiyanaickanpatti Police Station,
Virudhunagar District.
- 5.The District Superintendent of Police,
Sattur Police Station,
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W.P(MD)Nos.25631 & 26234 of 2023

G.R.SWAMINATHAN, J.

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and
W.M.P(MD)No.22582 of 2023

01.11.2023