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W.P.No.6357 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.6357 of 2024

and

W.M.P.Nos.7078 & 7079 of 2024

M.Ponnuswamy

.. Petitioner

VS

1.Revenue Divisional Officer,
Sankagiri Revenue Division,
Sankagiri,
Salem District.

2.The Deputy Superintendent of Police,
Sankagiri Division,
Sankagiri,
Salem District.

3.The Inspector of Police,
Thevor Police Station,
Salem District.

4.R.Arumugasamy

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records of the 1st respondent herein culminating the Order dated 3.2.2024 on the file of the 1st respondent herein and to quash the same and consequently



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direct the 1st respondent to conduct a meeting with the representatives of both A and B parties by forming committee consisting of the representatives of either party and also the official representatives for performing Kumbabishegam of Arulmiga Ayyanarappan Temple Ponnampalayam Village, Koneripatti Agraharam, Sankagiri Taluk during the month of Vaigasi in Sobagirudhu year viz., during May-June 2024, within the time frame as may be fixed by this Court.

For Petitioner : Mr.M.Santhanaraman
for Ms.J.Tamilselvi

For Respondents : Mr.S.John J.Raja Singh (for R1)
Additional Government Pleader

Mr.R.Kishore Kumar (for R2 & R3)
Government Advocate

Mr.Sivaraman (for R4)

ORDER

Mr.S.John J.Raja Singh, learned Additional Government Pleader accepts notice for R1, Mr.R.Kishore Kumar, learned Government Advocate accepts notice for R2 and R3 and Mr.Sivaraman, learned counsel accepts notice for R4. All learned counsels are armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner claims to be a resident of Sankagiri Taluk, Salem



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District and devotee of Arulmigu Ayyanarappan in the Temple in Ponnampalayam Village, Koneripatti Agraharam, Sankagiri Taluk ('temple'/temple in question'). The deity, the petitioner states, is the family deity for 400 families of the village.

3. The grievance expressed now is as against the proposed Kumbabishegam of the Temple, which is scheduled on 24.03.2024, as the petitioner feels that the works are yet incomplete and that the proper period to conduct Kumbabishegam would be in Vaigasi rather than now.

4. It is relevant to note that R4 in this Writ Petition, who is one among the devotee families, has filed a Writ Petition in W.P.No.802 of 2024, wherein the prayer was for a mandamus directing the Sub-Inspector, Thevur Police Station, Salem District/R2 in that Writ Petition, to accord police protection for construction of the Temple and to ensure conduct of the Kumbabishegam, which, at that time, was proposed to be held on 21.02.2024.

5. That Writ Petition was disposed on 19.01.2024 noting that the complaint of the petitioner had been taken on file in CSR No.243 of 2023 and further directing the Revenue Divisional Officer (RDO), Sankagiri to conduct a peace committee meeting.

6. At paragraph 5, the Court had directed the RDO to complete the



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enquiry and take a decision within one week from date of receipt of a copy of that order.

7. Bearing in mind the fact that Kumbabishegam function was to be held from 18.02.2024 onwards, enquiry was conducted and the impugned order was passed on 03.02.2024 proposing to conduct the Kumbabishegam on 24.03.2024. The petitioner is seen to have participated in the meeting and his presence has been noted at S.No.5 of B faction of the families who were heard by the RDO. Incidentally, Kumbabishegam was not held on 21.02.2024 as the temple works were not complete as on that date.

8. Mr.Sivaraman, learned counsel for R4 intervenes and states, at this juncture, that in light of the fact that the petitioner has been heard in the enquiry which has resulted in the decision to proceed with the Kumbabishegam on 24.03.2024, there is no justification whatsoever for this Writ Petition.

9. Impugned order dated 03.02.2024 has recorded the presence of the representative families, numbering 10 in A faction and 7 in B faction. The petitioner is in serial number 5 in B faction. The petitioner's submission is that even in the course of enquiry his stand was that some more time should be taken for the conduct of the festival as, according to



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him, the time was insufficient to carry out necessary preparations.

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10. However, since a concerted and consolidated view has been taken by all the interested families to conduct Kumbabishegam on 24.03.2024, this Court does not deem it fit to intervene in that decision.

11. The prayer of the petitioner is for a certiorarified mandamus challenging order dated 03.02.2204 and directing the RDO to review his decision by forming a Committee comprising of representatives of both factions to re-look into the matter.

12. In light of the admitted position that the petitioner has himself has been part of the enquiry culminating in impugned order dated 03.02.2024, I see no justification to intervene in the impugned order at this juncture. Suffice it to permit the petitioner to put forth his grievance to the RDO, who may consider the same in consultation with the other family members and take action as he deems appropriate.

13. With this liberty, this Writ Petition and connected Miscellaneous Petitions are dismissed. No costs.

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Index:Yes/No
Speaking order
Neutral Citation:Yes
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DR.ANITA SUMANTH,J.

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To

- 1.Revenue Divisional Officer,
Sankagiri Revenue Division,
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