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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.07.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.20256 of 2024

M.R.Senthil

... Petitioner

Vs

1.The District Collector,
Kallakurichi District
Collectorate,
Kallakurichi.

2.The Revenue Divisional Officer,
Kallakurichi Revenue Division,
Kallakurichi.

3.The Tahsildar,
Sankarapuram Taluk,
Sankarapuram,
Kallakurichi District.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to permit celebration of annual festival of Sri Ayyanar Temple in Muttiam Village, Sankarapuram Taluk, Kallakurichi District between 23.7.2024 to 3.8.2024 by performing all traditional rituals by considering the petitioner's representation dated 1.7.2024.

For Petitioner

: Mr.N.Santhanaraman



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For Respondents

: Mr.U.Baranidharan

Additional Government Pleader

ORDER

Mr.U.Baranidharan, learned Additional Government Pleader accepts notice for the respondents and is armed with instructions to enable a final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner is the son of one V.Ramalingam, who claims to be the Dharmakarthha of Sri Ayyanar Temple, Muttiam Village, Sankarapuram Taluk, Kallakurichi District ('temple'/'temple in question'). He states that the annual temple festival is celebrated every day from the 5th day of Aadi Month for eight days. For the present year, the festival is slated to commence on 23.07.2024. It concludes with a ritual called Parivettai followed by ablution to deity on 18th day of Aadi month.

3. According to him, there have been some objections to one of the hereditary rituals involving the Dharmakarthha holding an umbrella over the deity (in short 'ritual'). The residents of the village object to the Dharmakarthha standing alongside the Deity upon the platform.

4. When a similar objection was raised in 2023, the petitioner has moved a Writ Petition in W.P.No.21285 of 2023 and by order dated 19.07.2023, a direction was issued by my predecessor requiring R2, i.e., Revenue Divisional



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Officer, Kallakurichi to enquire as to whether there is any such customary right for performing the aforesaid ritual.

5. Since there could be no consensus arrived at on this aspect and the authorities apprehended a law and order issue, the festival, unfortunately, did not take place last year.

6. Mr.Baranidharan would circulate written instructions in Na.Ka.A1/1375/2023 dated 20.07.2024 setting out the aforesaid narration and the conclusion of the authorities is that in such circumstances it is better that the parties approach the Court for suitable remedy.

7. The petitioner claims that non-conduct of the festival in the previous year has adversely affected the sentiments of the village people. Anticipating a similar issue for the present year also, the petitioner has made a representation on 01.07.2024 to the respondents seeking appropriate orders to assist in the celebration of the annual temple festival by following customary rituals under due protection of the authorities.

8. Since no reply has been received thus far, he now seeks intervention of this Court by way of mandamus directing the respondents to facilitate celebration of the annual festival of the temple between 23.07.2024 and 03.08.2024 (wrongly mentioned as 03.08.2023 in the prayer) by performing traditional rituals.



9. It is unfortunate that despite intervention of this Court on the earlier occasion, the festival did not take place. The parties also do not, in any way, appear to have made any effort to look into the aspect of whether the particular ritual that the petitioner wishes to continue is customary or hereditary.

10. Be that as it may, Mr.Santhanaraman, learned counsel for the petitioner suggests a via media stating that the Dharmakartha, instead of being permitted to stand on the platform holding an umbrella over the deity, may be permitted to tie the umbrella in place and step off the platform, enabling conduct of procession in smooth manner. He has filed a memo dated 22.07.2024 to this effect, reading thus:

'The annual festival of Sri Ayyanar Temple in Muttiyam Village, Kallakurichi Taluk is scheduled to commence from 23.7.2024. The counsel for respondents has submitted that there is dispute about one ritual viz:-holding umbrella for deity on main festival day by the petitioner's father, who is Dharmakartha of the temple.'

2) As the annual festival itself is being stopped for past two years due to this dispute, it is respectfully submitted that the petitioner's father, who is Dharmakartha of the temple may be permitted to tie umbrella to the deity before the planquin is lifted on the main festival day and the festival may be directed to be conducted as planned for the current year.'

11. This seems to be a viable solution, which would permit the ritual to be carried on in deference to the sentiments of all parties.



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12. In light of the above, the respondents will make all efforts to ensure the conduct of the festival for the present and for the forthcoming years without any law and order problem and in a smooth fashion. If at all there is any question on who is to hold the umbrella/tie the same in place over the deity, pending such decision, the Dharmakarthas of the temple will perform such duty for the present year.

13. With these observations, this Writ Petition stands disposed. No costs.

22.07.2024

Index : Yes / No

Speaking order

Neutral citations: Yes

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Note: Registry is directed to issue a copy of this order by today (22.07.2024)

To

1. The District Collector,
Kallakurichi District
Collectorate,
Kallakurichi.



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Dr.ANITA SUMANTH,J.

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2.The Revenue Divisional Officer,
Kallakurichi Revenue Division,
Kallakurichi.

3.The Tahsildar,
Sankarapuram Taluk,
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