



W.P.No.25447 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.25447 of 2024

R.Subramanian.

... Petitioner

/versus/

1. The District Collector,
Namakkal,
Namakkal District.

2. The Revenue Divisional Officer,
Namakkal District.

3. The Superintendent of Police,
Namakkal District.

4. The Tahsildar,
Namakkal Taluk,
Namakkal.

5. Muthusamy.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, to issue Writ of Mandamus directing the 3rd and 4th respondents to permit the petitioner community people to enter into Sri Mariamman Temple at Thandagoundanur, Vasanthapuram Village, Namakkal District for worshipping the deity.



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For Petitioner : Mr.S.Saravanakumar
For R1 to R4 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)
For R5 : Mr.E.K.Kumaresan

ORDER

Sri Mariamman Temple at Thandagoundanur, Vasanthapuram Village, Namakkal District is about 200 years old. The Goundar Community in that area claims that it was constructed by their ancestral and they have exclusive right to manage the same. Whereas, the members of the Boyar Community had sought for right to worship and to administer the Temple by way of filing a suit. The said suit came to be disposed of recognizing the right of Boyar Community to worship the deity but not right to administer the Temple.

2. While being so, one P.Muthusamy who belongs to Goundar Community had filed Writ Petition No.29394 of 2016 before this Court to quash the proceedings of the R.D.O who recognized the right of the lower community to worship and directing both the community persons to jointly conduct the Temple festival. In the said Writ Petition, this Court quashed the order of the R.D.O, dated 08.08.2016. However, it is made clear that the right



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of the Bogar Community as decreed by Civil Suit in O.S.No.291 of 1989 has to be protected.

3. In the said circumstances, the present petition is filed by representatives of the Bogar Community stating that the 5th respondent who is the representative of the Goundar Community not permitting them to enter the Temple and worship.

4. The Learned Government Advocate (Crl.Side) for the respondents 1 to 4 submits that the right to worship the Temple been declared by Civil Court in the suit filed by the Bogar Community and same got confirmed in the appeal. While so, the temple been now locked by the members of the Goundar Community and no worship is done in the Temple for the past several years. It is clear case of discriminating a particular community persons from worshipping the 'God' with whom they have faith. The right of the Goundar Community headed by the 5th respondent to administer the Temple been recognized and declared by the Civil Court as well as by the order of this Court in Writ Petition filed by the Muthusamy, who belongs to Goundar Community. While so, the 5th respondent and his community persons shall not have any apprehension in allowing persons of the Bogar Community to enter the Temple



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and worship the 'God' *san* right of administration of the Temple. Therefore, this

Court directs the respondent police to see that the temple is open for worship of all the members of both the community and other communities who have faith for the said deity and also ensure that there is no disturbance to the right of the Goundar Community in administering the temple.

5. With this observation, this Writ Petition is allowed. No costs.

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Index : Yes/No.

Neutral Citation : Yes/No.

bsm

To:-

1. The District Collector, Namakkal, Namakkal District.
2. The Revenue Divisional Officer, Namakkal District.
3. The Superintendent of Police, Namakkal District.
4. The Tahsildar, Namakkal Taluk, Namakkal.
5. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

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