



WEB COPY



W.P.Nos.29729 & 16246 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.01.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.Nos.29729 & 16246 of 2023
& WMP.No.15640 of 2023

Chinnaraji

... Petitioner in both W.P.'s

Vs

1.The District Collector
Dharmapuri

2.The Revenue Divisional Officer
Revenue Divisional Office
Dharmapuri -1.

3.The Tahsildar
Pennagaram, Dharmapuri District.

4.Chinnasamy

... Respondents in both W.P.'s

PRAYER in W.P.No.29729 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st to 3rd respondents to permit the petitioner and his parties to conduct the festival to the Gopal Swamy Temple at Malaiur Village, Pikkeli Post, Penagaram Taluk, Dharmapuri District in the Tamil month of Purattasi this year 2023 from 15/10/2023 to 23/10/2023 for a period of 9 days as per the village customs.



W.P.Nos.29729 & 16246 of 2023

PRAYER in W.P.No.16246 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to take appropriate steps to enforce the peace meeting order passed by the 3rd respondent in MC.15/2023/A3 dated 14/1/2023 by considering the petitioner's representation dated 18/4/2023.

In both W.P.'s

For Petitioner

: Mr.T.Ganesan

For Respondents

: Mr.Vadivelu Deenadayalan (R1 to R3)

Additional Government Pleader

R4 – Tapal Due

COMMON ORDER

W.P.No.29729 of 2023 is infructuous today, as the petitioner had sought permission for conduct of temple festival in the Gopal Swamy Temple (Temple) at Malaiur Village (village in question), Pikkeli Post, Penagaram Taluk, Dharmapuri District during Tamil month of Purattasi in 2023. That cause of action having long gone, this Writ petition is closed as infructuous. No costs.

2. The prayer in W.P.No.16246 of 2023 is for a mandamus directing the Revenue Divisional Officer (RDO/R2) to take appropriate steps to enforce peace meeting order passed on 14.01.2023 by considering the petitioner's representation dated 18.04.2023.



3. While considering W.P.No.29729 of 2023, I have passed an order on 12.10.2023 reading as follows:-

Mr.J.C.Duraiaraj, learned Additional Government Pleader accepts notice for R1 to R3 and seeks some time to obtain instructions and file a counter.

2. Notice through Court as well as privately to R4, returnable 02.11.2023. Let proof of service be placed on file.

3. The petitioner is a resident in Penagaram Taluk, Dharmapuri District. He is a devotee in Gopal Swamy Temple ('Temple') in that village. The Temple conducts various festivals during the year including Puratasi month festival. Since there was some dissonance on the conduct of the festival for the previous years, the petitioner had lodged a complaint before the Inspector of Police, E2, Papparapatty Police Station, Dharmapuri and a case has been registered in CSR No.332 of 2022 on 03.11.2022.

4. The matter was referred by the Inspector of Police to the Revenue Divisional Officer, Dharmapuri/R2, who conducted a Peace Committee meeting on 09.01.2023, where the following resolutions were passed:

- i. All festivals in the Malaiyur Village and the conduct thereof, should be decided by the village people and the meeting to decide such issues should be presided over by the 6 Village Gounders.*
- ii. The Village people should accept the decision of the Village Gounders (Committee).*



WEB COPY



W.P.Nos.29729 & 16246 of 2023

- iii. *The Gopal Temple bank account should be in the name of the 6 Village Gounders jointly.*
- iv. *The Temple's income and expenditure books should be maintained separately with proof of expenses.*
- v. *The Samy procession during Pongal festival should be conducted in a peaceful manner.*
- vi. *Both parties should act in a peaceful manner without any law and order problem and within the Rules and Regulations of the State, failing which, a recommendation will be made to HR&CE to administer the temple.*

5. *According to the Writ petitioner, the 4th respondent and his group of supporters are not following the resolutions passed by the Peace Committee and he alleges that the finances of the temple are not being maintained properly. He has filed a Writ petition in W.P.No.16246 of 2023 seeking implementation of the resolutions as above.*

6. *In this Writ Petition, he alleges that the 4th respondent has also failed to honour the customary practices in the conduct of the temple festivals, including in the Mariamman and Muniappan temple in that village.*

7. *His present apprehension is that the 4th respondent and his group of supporters will not permit him to participate and carry out the puja in regard to the 4th week of the puratasi festival in accordance with the customary practice.*

8. *The petitioner has rightly averred in the Writ petition that the Peace Committee resolutions must be*



honoured and implemented by all members in that village. One of those resolutions is for the constitution of Village Committee comprising 6 village Gounders who are to deal with grievances relating to the Temple. Thus, the petitioner and the 4th respondent are equally bound by those resolutions.

9. His apprehension, particularly in regard to the conduct of the temple festival, including specifically 4th week Puratasi month festival will be placed before the Village Committee, which will take a decision thereupon in light of the customary practices. Since the festival is expected to commence from 15.10.2023, let a decision be taken by the Village Committee forthwith. Since the Village Committee is not a party to this Writ Petition, a copy of this order will be furnished to the Committee by the petitioner.

10. List this Writ petition along with W.P.No.16246 of 2023 on 02.11.2023.

4. I was given to understand that the resolutions passed on 09.01.2023 were for all the time and would govern the conduct of all temple festivals going forward.

5. Mr.Vadivelu, learned counsel who appears for the respondents today however brings to my note, several peace meetings that had been conducted even thereafter on 22.09.2023, 15.10.2023 and 17.10.2023. Hence, the rival groups in the village in question are yet to arrive at a consensus of the mode and methodology governing the conduct of festivals and to carry out the poojas in the temple. This would be in the interests of all the residents of the village as



W.P.Nos.29729 & 16246 of 2023

they would have more time to celebrate the festival instead of attending peace meetings and filing Writ petitions.

6. The present urgency expressed by the parties is that the Pongal festival is imminent.

7. Hence, all parties are granted liberty to appear before RDO tomorrow (12.01.2024) at 2.00 p.m., and after considering the request of all parties, including the petitioner, let the RDO issue appropriate directions along the lines of the resolutions as recorded in order dated 12.10.2023 that appear to have set forth the procedure for appropriate governance for the temple festival. Hence, this may be used as a template to conduct the festival in the years to come. After all, the parties being residents of the same village could always effect for modifications of the resolutions in an amicable fashion as and when called for.

8. W.P.No.16246 of 2023 is disposed in the above terms. No costs. Connected miscellaneous petition is closed.

11.01.2024

Index : Yes / No

Speaking order/Non-speaking order

Neutral citations: Yes/No

mpl

Note: Registry is directed to upload this order today (11.01.2024)

To



W.P.Nos.29729 & 16246 of 2023

1.The District Collector
Dharmapuri

2.The Revenue Divisional Officer
Revenue Divisional Office
Dharmapuri -1.

3.The Tahsildar
Pennagaram, Dharmapuri District.



WEB COPY



W.P.Nos.29729 & 16246 of 2023

Dr.ANITA SUMANTH,J.
mpl

W.P.Nos.29729 & 16246 of 2023
& WMP.No.15640 of 2023

11.01.2024