



W.P(MD)No.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.112 of 2024

and

W.M.P(MD)No.143 of 2024

1.S.Naagu

2.A.L.Subramanian

..Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai Sub Division,
Sivagangai District.

3.The Tahsildar,
Thirupathur,
Sivagangai District.

4.The Deputy Superintendent of Police,
Thirupathur,
Sivagangai District.

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5.The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District.

6.Chandran

7.Chokkalingam

..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 Nos.1 to 5 to take necessary action with regard to the petitioner's representation dated 23.12.2023.

For Petitioner

:Mr.S.Ayyanar Prem Kumar

For R1 to R3

:Mr.D.Gandhiraj

Special Government Pleader

For R4 & R5

:Mrs.M.Aasha

Government Advocate

For R6 & R7

:Mr.Na.Palaniyandi

ORDER

The Petitioner has filed this Writ Petition seeking a direction to the respondents 1 to 5 to take necessary action with regard to the petitioners representation, dated 23.12.2023.



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2. The learned counsel appearing for the petitioners would submit that the petitioners are the Pangalis of Chokkan Vagaiyara. Sri Chokalingam, Sri Pattavar, Sri Ponnagaliammal Temple house situated in Survey No.691/10 of Navinakalam Village and another group headed by 6th respondent, they were named as Chokkandan Vagaiyara. The 6th respondent parties continuously troubling the petitioners group from worshipping the above God and in this regard a Peace Committee Meeting was conducted by the third respondent on 27.07.2015, but same was failed.

3. In such circumstances, on 21.06.2023 the third respondent authorities obtained a bond under Section 107 Cr.P.C., vide the proceedings in M.C.No.9 of 2023 dated 27.06.2023 from the both parties and thereafter, no issues till now. Therefore, the petitioners group have decided to conduct Poojas and Kumbabisegam in the above temple house from 18.10.2023 to 20.10.2023, without disturbing the rights of the 6th respondent and their Pangalis.

4. The petitioners have made a representation before the respondents 1 to 4 on 03.10.2023 seeking relief to provide permission and protection to the Poojas and Kumbabisegam yet to be conducted on 18.10.2023 to 20.10.2023 and the same is pending without any further progress, hence, the petitioners have approached this Court



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by filing a writ petitions in W.P.No.24758 and 25041 of 2023. This Court on 16.10.2023

disposed the said writ petitions and passed the following orders:-

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“2. There is some dispute between the group led by Thiru.chokkalingam on the one hand and the group led by Thiru.Naagu on the other.

3.The group headed by Thiru.Chokkalingam had spent a substantial sum of money for performing Kumbabishekam for the petition-mentioned temple house (Kovil Veedu). The learned counsel appearing for Thiru.Chokkalingam is able to produce the account details also.

4. The learned Special Government Pleader on instructions from the official respondents also confirms that “Thirupani” activities were carried out only by Thiru.chokkalingam group. Therefore, it is just and proper that Thiru.Chokkalingam is allowed to conduct Kumbabishekam. They have fixed on 01.11.2023 as the Kumbabishekam date. On the said date, Kumbabishekam will be held.

5.Shri.Sundara Pandian, Inspector of Police, Nerkuppai Police Station, Sivagangai District is present in person. Both the parties agreed that Kumbabishekam can be performed under his leadership. On the said date, all the parties can participate with devotional fervour. Shri.Sundara Pandian, Inspector of Police will ensure that the customary formalities are followed. It is stated that there are totally 56 families and “Thalaikattu Vari” will be collected from all 56 families. The Inspector of Police will ensure that “Vari” is collected from Naagu group also.”



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5. Now, the said Kubabishekam was conducted on 01.11.2023, but the difference between the parties are still continue and Mandalapooja was held on 17.12.2023.

Further, the 6th and 7th respondents parties restrained the petitioners party from attending Mandala Poojas and with regard to the same, police complaint also lodged by the petitioners party. The petitioners Pangalis decided to celebrate the Pongal festival by providing Padayal to the god at the above mentioned temple house on 14.01.2024. Further, the petitioners made an application before the respondents 1 to 5 on 23.12.2023 seeking permission and police protection for the above Poojas at the Sri Chokalingam, Sri Pattavar, Sri Ponnagaliammal temple, Navinakalam Village, Nerkuppai, Thirupathur Taluk, Sivagangai District.

6. It is also seen that the tax has been collected from the petitioners side and tax has been paid to the authorities and there is no difference between the parties except the prayer in a temple. This Court directs respondents 6 & 7 namely 75 family members shall conduct the ceremony of Pongal on 14.01.2024 from 06.00 a.m., to 02.00 p.m., and thereafter, on the same day at 03.30 p.m., the petitioners group shall conduct the ceremony of Pongal till 09.00 p.m., in the night. This order shall continue until further orders. It is made clear that all parties have to maintain peace and law and order without fail.



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7. The Inspector of Police, who is occupying the chair of the Inspector of Police, Nerkuppai Police Station, Sivagangai District will ensure the smooth functioning of the Pooja every year will ensure the smooth functioning of said Pooja and if there is any violation of these conditions, the Inspector of Police is at liberty to take him action by closing the temple and send everyone out of the temple to maintain law and order. It is also made clear that there shall be no first respect to any of the parties to be given and all are to be treated equally.

8. With the above observations and directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet: Yes/No
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V.BHAVANI SUBBAROYAN, J.

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