



CONT.P.(MD)No.115 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CONT.P.(MD)No.115 of 2024

in

WP(MD) No.262 of 2023

E.Senthil Nathan

... Petitioner

Vs

1.Mr.Chelladurai,

The Joint Commissioner, (Madurai Region),
Hindu Religious Charitable & Endowment Department,
B-1 Road,
Elise Nagar,
Madurai – 625 010.

2.Ms.G.Selvi,

The Assistant Commissioner(Madurai District),
Hindu Religious Charitable & Endowment Department,
B-1 Road,
Elise Nagar,
Madurai – 625 010.

3.Ms.G.Selvi,

The Executive Officer/Assistant Commissioner,
Arulmighu Koodalalagar Thirukoil,
Madurai – 625 001.

...Contemnors/Respondents



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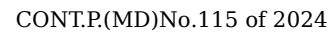
PRAYER: Contempt Petition filed under Section 10 of the Contempt of Courts Act, praying this Court to punish the contemnors/respondents for the willful disobedience of the order of this Court made in WP(MD) No.262 of 2023, dated 09.01.2023.

For Petitioner	:Mr.K.Arunraj
For R1 to R3	:Mr.P.Subba Raj Special Government Pleader
For R4	:Mr.S.Manohar

ORDER

The petitioner has filed this contempt petition that the order of this Court in W.P(MD) No. 262 of 2023, dated 09.01.2023 has not been complied with.

2. W.P(MD) No. 262 of 2023 was filed for a Mandamus, directing the respondents to implement the Standard Operating Procedures and to uphold public safety and peaceful performance of the festival in the eve of Kanuparai Vettai Festival (Hunting Festival) to be conducted by Koodalalagar Thirukovil on 16th and 17th February 2023 for two days at Anuppandi, Madurai by



“4.It shall be incumbent upon the respective parties to carry out their respective obligations and if any modification is required in future, they are not precluded in approaching the concerned authorities following the prescribed procedure in that regard”

3. When this contempt petition is taken up for hearing, the learned counsel for the petitioner submits that this Court, while disposing the writ petition in WP(MD) No.262 of 2023 has issued a specific direction for conducting the festival as per Standard Operating Procedure. However, the temple authorities have conducted the festival as per Standard Operating Procedure of the year 2023 and they have not followed the Standard Operating Procedure for this year(2024). Hence, this contempt petition.



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4.Mr.Manohar, learned counsel takes notice for the respondents and submits that this year they could not conduct the Kanupari Vettai festival for two days, as per the Standard Operating Procedure, in view of the congregation festival scheduled from 17.01.2024 to 21.01.2024. He also referred to the order passed by the Division Bench of this Court in W.P(MD) No.123 of 2024, a Public Interest Litigation filed by one Manibharathy, for the same relief for which, W.P(MD) No.262 of 2023 was filed, to direct the respondents to ensure two days Kanupari Vettai festival on 16.01.2024 and 17.01.2024 as per Standard Operating Procedure. This petitioner is also a party to the proceedings. He filed an impleading petition to implead him as a party to that writ petition. The learned counsel further submits that pursuant to the order passed by the Division Bench of this Court in W.P(MD) No.123 of 2024, a meeting was conducted with the mandagapadithars, wherein, a decision was taken to conduct the festival only for one day. i.e on 16.01.2024. This arrangement was made only for this year due to



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congregation festival which was scheduled and performed in the temple. The petitioner has also attended the meeting and agreed for the same and also signed in the resolution. Copy of the resolution has also been produced before this Court. The petitioner being aware of the subsequent developments, has filed this Contempt petition and therefore, this contempt petition could not be maintained.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner has filed a writ petition in W.P(MD) No. 262 of 2023 to conduct a festival, namely, Kanupari hunting festival in Arulmighu Koodalalagar Temple in the month of February 2023 for two days. In that writ petition, the respondent temple has taken a stand that they would conduct the festival for two days on 16.01.2023 and 17.01.2023 and a memo has also been filed to that effect. Recording the memo, this Court has disposed of that writ petition by order dated 09.01.2023, permitting the parties to



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approach the concerned authorities, if they require any modifications in future. Accordingly, the festival was performed in the year 2023 as scheduled. However, for this year 2024, since the congregation festival of the temple was scheduled from 17.01.2024 to 21.01.2024, the temple administration has conducted a meeting with all the parties, wherein a resolution was made to conduct the Kanupari Vettai festival only on 16.01.2024. The petitioner has also signed in that resolution, dated 14.01.2024. However, the petitioner has filed this contempt petition on 04.01.2024 and numbered it on 29.01.2024. Though the petitioner is well aware of the subsequent proceedings, he has filed this contempt petition and when it is taken up for hearing today, the learned counsel has not stated anything about the subsequent developments. Since the petitioner has not approached this Court with clean hands, and wasted the precious time of this Court, this Court is inclined to dismiss this contempt petition with a cost.



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7. Accordingly, this contempt petition is dismissed with a cost of Rs.10,000/-, which has to be paid by the petitioner to the "Kalaingar Centenary Library, Madurai" within a period of six weeks from the date of receipt of a copy of this order.

07.02.2024

NCC :Yes/No
Index:Yes/No
Internet:Yes/No
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To

1. Mr. Chelladurai,
The Joint Commissioner, (Madurai Region),
Hindu Religious Charitable & Endowment Department,
B-1 Road,
Elise Nagar, Madurai – 625 010.
2. Ms. G. Selvi,
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B.PUGALENDHI, J.

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