



W.P.(MD).No.920 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.920 of 2024

and

W.M.P.(MD).Nos.941 and 944 of 2024

M.Mani

... Petitioner

vs.

- 1.The District Collector,
Sivagangai District.
- 2.The Joint Commissioner,
HR and CE Department,
Sivagangai.
- 3.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 4.The Assistant Commissioner,
HR and CE Department,
Sivagangai.
- 5.The Tahsildar,
Taluk Office,
Devakottai,
Sivagangai District.
- 6.Panjavarnam
- 7.Rasu
- 8.Chelladurai

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, directing the respondents 1, 3 and 5 to constitute the Kumbabishekam Committee to the temple of Arulmigu Amaravathy Karuppar situated in S.F.No.100/1 of Ponnalikottai Revenu Village, Sarugani Firka, Devakottai Taluk, Sivagangai District by calling both side representatives of Uruvati Sarugani Karkani Ambalam Vagaiyaras and Alambakottai Villages to perform Kumbabishekam for forthcoming year as performed in the year 2012 and earlier occasions.

For Petitioner	: Mr.R.Paranjothi
For R1, R3 and R5	: Mr.SRA.Ramachandran Additional Government Pleader
For R2 & R4	: Mr.B.Saravanan
For R6	: Mr.G.Thiruvvarulselan

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1, 3 and 5 to constitute a Kumbabishekam Committee to the temple of Arulmigu Amaravathy Karuppar situated in S.F.No.100/1 of Ponnalikottai Revenu Village, Sarugani Firka, Devakottai Taluk, Sivagangai District by calling both side representatives of Uruvati Sarugani Karkani Ambalam Vagaiyaras and Alambakottai Villages to perform Kumbabishekam for forthcoming



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year as performed in the year 2012 and earlier occasions.

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2. According to the petitioner, the temple viz., Arulmigu Amaravathy Karuppar Temple in S.F.No.100/1 of Ponnalikottai Revenue Village, Sarugani Firka, Devakottai Taluk, Sivagangai District was established by his ancestor. The petitioner's Karkani Ambalam Vagaiyaras families worshipped the said temple during Thai Pongal and Masi Sivarathiri Kalari in a grand manner for every year. On 07.06.2012, the petitioner performed Kumbabishekam with the help of the Alambakottai Village people. After the Kumbabishekam, the private respondents and their men created some problems and they took a decision on their own choice for the temple affairs and a complaint was filed on 16.04.2013. Subsequently, the Sub Inspector of Police, Thiruvegamputhur advised both sides to solve the problem in the presence of elders. In these circumstances, the private respondents along with others are trying to perform Kumbabishekam to the said temple without consulting his Uruvati Sarugani Karkani Ambalam Vagaiyara and without forming any Kumbabishekam Committee. Therefore, there is a chance of creating a problem between them and some villagers of Alambakottai. Hence, the petitioner and his Vagaiyaras submitted a



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representation on 06.01.2024 to the respondents 1 to 5, requesting them to form a Kumbabishekam Committee. But till date no action has been taken. Hence, the present writ petition has been filed.

3. The 7th respondent viz., K.R.Rasu has already filed a writ petition in W.P.(MD).No.835 of 2024 before this Court and in the said writ petition, he has sought for a prayer to direct the second respondent to grant permission to conduct Kumbabishekam in respect of the temple viz., Amaravathi Karrupar Alayam situated at S.No.100/1, Alambakottai Village, Sarugani Post, Sivagangai District schedule on 21.01.2024. This Court, by order dated 12.01.2024, disposed of the writ petition, directing the petitioner to co-operate with the Tahsildar, Devakottai and the Tahsildar, Devakottai shall pass appropriate orders.

4. The learned Additional Government Pleader appearing for the respondents 1, 3 and 5 has produced the copy of the proceedings in Na.Ka.A2/94/2023 and submitted that on 13.01.2024 at 11.00 a.m., a Peace Committee Meeting was held and no decision has been taken to conduct the said Kumbabishekam.



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5. Considering the above said facts, this Court is of the view that if any right as claimed by the parties exists, that has to be established by way of a trial and only on considering the facts and the documents before a competent Court and this Court cannot decide who is entitled for the title or any other right the petitioner and the respondents herein claim that the right accrues only to particular parties. This Court cannot interfere with such matters. At the same time, peace and harmony can be prevailed over by this Court. Hence, this Court directs the Tahsildar, Devakottai, Sivagangai District and the Officials of the H.R. & C.E. Department to supervise the said Kumbabisekam being conducted by the respondents and village people of Alambakottai. The petitioner and the respondents 6, 7 and 8 are directed to maintain peace and harmony while conducting the Kumbabisekam. Further, the petitioner shall not be discriminated or ex-communicated regarding this issue and he should be allowed to participate in the Kumbabisekam as a common devotee. Already the expenses of the Kumbabisekam have been incurred by the 7th respondent and his associate members. At this juncture, the petitioner's money as contribution, cannot be received and hence, if there is any expense arise after Kumbabisekam, the same will be collected from the



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petitioner. No first honour would be given to any person and all to be treated equally.

6. It is made clear that both the parties are to approach the competent civil Court to establish their right and not before this Court by filing writ petition. If necessary, the officials can seek for police bandobast or protection.

7. In the result, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

19.01.2024

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Index:Yes/No
NCC:Yes/No



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