



W.P(MD)No.3843 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3843 of 2024

and

W.M.P.(MD)No.3733 of 2024

Nethish

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur,
Thanjavur District.
- 2.The Revenue Divisional Officer,
Thanjavur, Thanjavur District.
- 3.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Thanajvur, Thanajvur District.
- 4.The Joint Director of Town and Country Planning,
Thanajvur, Thanajvur District.
- 5.The Thasildar,
Orathanadu Taluk,
Thanjavur District.
- 6.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur, Thanjavur District.



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7.The Inspector,
Hindu Religious and Charitable Endowment Department,
Arulmigu Paruthiappar Kovil Valagam,
Paruthiappar Village and Post,
Orathanadu Taluk, Thanjur District.

8.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

9.Veeraiyan

10.Palanivelu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing district collector / 1st respondent to dispose the petitioner's representation dated 06.02.2024 as per Rule 4 (3) of the Tamilnadu Panchayath Rules, 1997 in respect of the Arulmighu Pattavan temple at in S.F.No.79CA / 10B in Kulamangalam Village, Orathanadu Taluk Thanjavur District.

For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.A.Kannan,
Addl. Government Pleader for R1 to R7.
Mr.J.Albert James,
Govt. Advocate (Crl. Side) for R8.

ORDER

Heard both sides.



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2.The issue concerns the manner of celebration of Kumbabishekam for the petition mentioned temple. In the village in question, there are two sects. One is called as Pallavarayar sect and the other is called as Thondaimar sect. Thondaimar sect is proposing to perform Kumbabishekam on 22.02.2024. The question that calls for consideration is whether “vari” should be collected from Pallavarayar sect. The senior member of Tondaimar vakaiyara informed the Court through WhatssApp video call that they have no objection for all persons to participate in the event on 22.02.2024 and that they will not restrict any body. In fact, the order passed by the District Collector, Thanjavur on 10.01.2024 is on the same lines. Even though the report of the Revenue Divisional Officer is to the effect that vari should be collected from both the sects, the operative portion of the Collector's order is only to the effect that there must not be any restriction on worship and participation in the event. The operative portion of the District Collector's order does not stipulate that vari must be collected from Pallavarayar sect also. I am therefore not in a position to interfere at this point of time. The Pallavarayar sect may have a case in their favour but then it requires adducing of evidence. In writ proceedings such course of action is not possible. Therefore, mandating the parties concerned to abide by the order passed by District Collector, Tanjavur on 10.01.2024, this writ petition is disposed of.



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3.Liberty is granted to the members of Pallavarayar sect to establish their claim either before the jurisdictional Civil Court or before the competent authority, as the case may be. No costs. Consequently, connected miscellaneous petition is closed.

21.02.2024

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