



W.P(MD)No.5219 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.5219 of 2024

Samidurai

... Petitioner

Vs

- 1.The Revenue Divisional Officer,
Tenkasi,
Tenkasi District.
- 2.The Tahsildar,
Sivagiri Taluk,
Tenkasi District.
- 3.The Deputy Superintendent of Police,
Puliangudi Range,
Tenkasi District.
- 4.The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.
- 5.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Tenkasi,
Tenkasi District.



W.P(MD)No.5219 of 2024

6.U.Gomathi Muthu Rani

7.M.Velladurai

Respondents

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(R7 is impleaded as per order of this Court WMP(MD) No.5484 of 2024, dated 08.03.2024 by BPJ)

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 5 to grant permission for the celebration of Maha Sivarathri Festival on 08.03.2024 and 09.03.2024 in the Ullamudaiyar Sastha Temple Situated at Nelkattum Seval Village, Sivagiri Taluk, Tenkasi District, without claiming any first honour by 6th respondent herein or any other person as stated in the representation dated 31.01.2024.

For Petitioner	: Mr.R.J.Karthick
For R1, R2 & R5	: Mr.P.Subba Raj Special Government Pleader
For R3 & R4	: Mr.Vaikkam Karunanidhi Government Advocate
For R6	: Mr.M.P.Senthil
For R7	: Mr.F.X.Eugene

ORDER

The petitioner is a resident of Nelkattumseval Village and he has filed this writ petition for a Mandamus, directing the respondents 1 to 5 to grant permission for the celebration of



W.P(MD)No.5219 of 2024

Mahashivarathiri Festival on 08.03.2024 and 09.03.2024 in

Ullamudaiyar Sastha Temple, situated at Nelkattum Seval Village, Sivagiri Taluk, Tenkasi District, without claiming any first honour by the sixth respondent herein, by considering his representation dated 31.01.2024.

2.The grievance of the petitioner is that during Mahashivarathiri festival, a holy box which is in the palace of the sixth respondent is taken on procession to the Arulmighu Ullamudaiyar Sastha Temple and at that time, the sixth respondent is expecting first honour, which is not acceptable by the petitioner and other villagers. Therefore, they insisted the respondents not to provide any first honour to the sixth respondent and to avoid the practice of procession with the holy box, by way of a representation, dated 31.01.2024. The respondent has not passed any orders on the petitioner's representation. Therefore, the petitioner has filed this writ petition.



W.P(MD)No.5219 of 2024

3.Mr.R.J.Karthick, learned counsel appearing for the petitioner by relying upon the order passed by this Court in WP(MD) No.18732 of 2023, dated 28.07.2023 and the Judgment of the Division Bench of this Court in W.A(MD)No.807 of 2016, dated 29.06.2016 submits that the above orders have been passed with regard to the subject temple of this writ petition in an earlier occasion, wherein, this Court has held that there cannot be any first honour in the temple festival. The learned counsel further submits that during the Mahashivarathiri festival, if the sixth respondent is permitted for the procession with the holy box, there will be possibility of law and order problem and commission of any offence. Therefore, he prays this Court that a suitable direction may be issued to the respondents.

4.Mr.M.P.Senthil, learned counsel appearing for the sixth respondent submits the sixth respondent is never expected any respect from anybody during the temple festival. He has categorically stated that since the sixth respondent has been



W.P(MD)No.5219 of 2024

announced as Rani of a Samasthanam, she never expects any honour from anybody during the temple festival. He further submits that the holy box is in the custody of the sixth respondent and it would be taken to the subject temple on the eve of Mahashivarathiri by way of a procession and this practice is followed for time immemorial. Having some grudges as against the sixth respondent, the petitioner is unnecessarily creating some trouble and filed this writ petition. According to the learned counsel, there is no such opposition from the villagers of Nelkattum Seval village as against the practice of bringing holy box from the sixth respondent's house.

5.Considering the issue involved in this writ petition and in order to conduct the festival in a peaceful manner, this Court, by order dated 05.03.2024 has appointed Mr. S.Kadarkarai and Mr.K.K.Senthil, learned counsel as Mediators to solve the issue amicably. The learned Mediators have filed a report that there is a dispute between the petitioner group and the sixth respondent and it could not be solved amicably in the mediation and it has to be solved



W.P(MD)No.5219 of 2024

only before the Joint Commissioner. The learned Mediators have also confirmed the submissions of the learned counsel for the sixth respondent that during the Mahashivarathiri festival, the sixth respondent is not expecting any type of first honour. However, the holy box is in the custody of the sixth respondent and it has to be brought to the temple from her house and at that time, she would accompany the holy box. This practice is followed as time immemorial.

6.One Velladurai of the same Village (Nelkattum Seval Village) has filed an impleading petition in WMP(MD) No.5484 of 2024 to implead him as a party in this writ petition that it is not the view of the entire village people as projected by the petitioner. Since the petitioner in WMP(MD) No.5484 of 2024 is also from the same Village and the writ petitioner has filed this writ petition as a representative of the entire village, this Court allowed the impleading application in WMP(MD) No.5484 of 2024. Mr.F.X.Eugene, learned counsel appearing for the newly impleaded



W.P(MD)No.5219 of 2024

respondent submits that the stand of this petitioner is not supported by the entire villagers. The petitioner is a Pangali of the sixth respondent and he is having some personal grudges as against the sixth respondent and therefore he is raising issues and preventing the temple festival. The learned counsel for the sixth respondent submits that before the Mediators, the sixth respondent has suggested for the presence of the petitioner's group to accompany in one side of the holy box. However, this petitioner has not accepted for any of the proposals and is insisting the sixth respondent and her son to come in a separate line behind the box along with thirteen other Valasai persons. The petitioner is doing all these things with the blessings of the President of the Village Panchayat.

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

8.This writ petition has been filed in the pretext as if the sixth respondent was provided with some special honour during the



W.P(MD)No.5219 of 2024

Mahashivarathiri festival. The Mahashivarathiri festival in the Ullamudaiyar Sastha Temple is scheduled to be conducted on 08.03.2024 and 09.03.2024 at Nelkattum Seval Village, Sivagiri Taluk, Tenkasi District. This writ petition is filed for a Mandamus, directing the official respondents to grant permission for the celebration of Mahashivarathiri festival without any honour to the sixth respondent. The sixth respondent, on notice appeared before this Court and has stated that she is not expecting any honour during the temple festival. Even then, the learned counsel for the petitioner insisted that the sixth respondent should not accompany the holy box. According to the petitioner, accompanying the holy box itself is the first honour, which the petitioner's group do not want to give to the sixth respondent or her family members. It is an admitted fact that this holy box is maintained by the sixth respondent in her palace, which would be taken to the Sastha Temple by way of procession during the Mahashivarathiri festival every year. After the festival, this holy box would be taken back to the sixth respondent's palace and maintained by her. This practice appears to be followed



W.P(MD)No.5219 of 2024

time immemorial. It appears to be a ritual during the Mahashivarathiri festival. Apart from the sixth respondent and her family members, the other villagers are also participating in the procession. However, the petitioner insisted that the sixth respondent and her family members shall not accompany the holy box in the procession and they have to come along with Valasai people behind the box. Accompanying the holy box itself is now projected as first honour, which has been provided to the sixth respondent. It appears that during the mediation, the sixth respondent has categorically stated that she is not expecting any type of first honour. However, they must be permitted to accompany the holy box. The sixth respondent has also suggested that they are not having any objection for the Valasai persons or the petitioner's group to accompany the procession in one side of the holy box. Even this proposal was not acceptable to the petitioner and therefore, the Mediation failed. Considering the submissions made, it appears that the holy box is in custody of the sixth respondent for the whole year in a temple, which is situated inside the sixth respondent's palace. On the eve of



W.P(MD)No.5219 of 2024

Mahashivarathiri festival, this holy box is taken from the sixth respondent's house to the Sastha temple by way of procession. There is no restriction for anybody to accompany the holy box in the procession. However, the petitioner is insisting that the sixth respondent or her family members should not accompany the box. By projecting that accompanying the box itself is the first honour, the petitioner has filed this vexatious litigation and wasted the precious time of this Court.

9.Any honour, it has to be conferred and it should not be demanded. Here in this case, the sixth respondent herself has stated that she is not expecting any honour from anybody during the Mahashivarathiri festival. When the holy box is taken from the sixth respondent's house, neither the petitioner nor the Village President are not having any right to say that the sixth respondent shall not accompany the holy box. This holy box is with the custody of the sixth respondent for the whole year. While so, it is not known how this petitioner would be aggrieved if the sixth respondent is



W.P(MD)No.5219 of 2024

accompanying the box during the procession. At this juncture, the learned counsel for the petitioner has stated that if the procession is permitted along with the sixth respondent, there will be a law and order problem, which may even lead to a murder. This Court is not appreciating this type of representation. No one including the petitioner and the Village Panchayat President can take the law in to their hands. Law and Order is maintained in this State by the Police Department and the Deputy Superintendent of Police, Puliangudi Range and the Inspector of Police, Puliangudi Police Station, Tenkasi District/the respondents 3 and 4 know how to tackle any law and order situation, if any arises in the village. On the objections of few people, the right of others cannot be curtailed and the temple festival cannot be prevented.

10.The petitioner for his personal vengeance as against the sixth respondent has filed this writ petition without any basis and also by projecting that the sixth respondent is provided with some honour. By filing this unnecessary litigation, the petitioner has



W.P(MD)No.5219 of 2024

wasted the precious time of this Court. From the representation made on behalf of this petitioner, it appears that the petitioner may go to an extent of creating law and order problem in the village. Since the petitioner has wasted the time of this Court with false averments, **this writ petition is dismissed with a cost of Rs.10,000/-, which has to be paid by the petitioner to the "Kalaingar Centenary Library, Madurai"**. A further direction is issued to the respondents 3 & 4 to ensure the law and order situation in Nelkattum Seval Village, Sivagiri Taluk, Tenkasi District by taking precautionary measures. If the respondents 3 & 4 suspect anybody is attempting to disturb the festival and the law and order situation in the village, the officers have to take preventive steps by arresting the suspecting persons.

08.03.2024

NCC:Yes/No

Index:Yes/No

Internet:Yes

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Note: Issue order copy today (08.03.2024)



W.P(MD)No.5219 of 2024

To

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W.P(MD)No.5219 of 2024

B.PUGALENDHI, J.

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