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W.P.(MD)NO.5391 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5391 of 2024

Arulmigu Arumuga Perumal, Sri Sappani Muthaiah Kovil,
Rep. by its President,
Registration No.277/2010,
Mr.S.M.Bose Pillai.

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer / Sub Collector,
O/o.Revenue Divisional Officer /
Sub Collector,
Sivakasi, Virudhunagar District.
3. The Tahsildar,
Watrap Taluk,
Virudhunagar District.
4. The Inspector of Police,
Koomapatti police station,
Watrap Taluk,
Virudhunagar District.
5. M.Kose
6. Periya Muthiah
7. M.Kannan
8. Muthaiah

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents No.2 and 3 to grant permission to conduct Maha Shivaratri festival for two days i.e. 07.03.2024 and 08.03.2024 to the temple namely Arulmigu Arumuga Perumal, Sri Sappani Muthiah Kovil to the petitioner by considering the petitioner's representation dated 04.03.2024

For Petitioner : Mr.K.Govindarajan,
for Mr.A.Balaji.

For R-1 to R-3 : Mr.A.Kannan,
Additional Government Pleader.

For R-4 : Mr.A.Albert James,
Government Advocate.
* * *

ORDER

Heard both sides.

2. The case on hand pertains to celebration of Maha Shivaratri festival for this year alone(2024). I make it clear that this order will not have any bearing on the rights of the parties or regarding conduct of the festival in future years.

3. There is a serious dispute between the petitioner's community (Illathu Pillaimar community) and (Devendrakula Vellalar community) represented by the private respondents. The fifth respondent



herein as well as the others were present in Koomapatti police station premises and presented their case though Whatsapp video call.

4. The petitioner's case is that the temple was constructed by Illathu Pillaimar community and that they had also filed representative suit in O.S.No.154 of 2022 on the file of the Principal Sub Court, Srivilliputhur. Devendrakula Vellalar community has also claimed that they have the right of administration over the temple. As a result of this issue, the temple itself came to be closed. Last year, Shivaratri festival could not have held. Hence, the present writ petition came to be filed.

5. It is true that the outstanding issue between the communities are yet to be resolved. The civil Court is seized of the matter. The only question that calls for consideration is whether the temple should remain closed on that account.

6. My categorical answer is “No”. Right to worship is a fundamental right guaranteed under Article 25 of the Constitution of India. The petitioners are therefore permitted to open the temple for worship.

7. The petitioner cannot prevent any other worshipper from taking part in the celebrations as devotees. The petitioner's counsel suggested that Pillaimar community can offer their worship on the first



day and Devendrakula Vellalar can worship on the second day. I am of the view that such communal divisions are not desirable. Therefore, I hold that all devotees irrespective of their communal background can participate in the functions. The private respondents submitted that for the last three years, they are conducting their festival in Kalyana Mandapam. It is open to them to have the celebrations as better. I am only recognising and acknowledging their right to participate in the Shivaratri festival to be celebrated in the petition mentioned temple.

8. Thiru.Kose, fifth respondent submitted that they have serious reservations regarding one Ramesh officiating as Poojari. I suggested to the petitioner that in order to narrow down the issue, they may suggest another Poojari for this year alone. The petitioner came forward to suggest the name of Thiru.Ranganathan, S/o.Arumugampillai. Thiru.Ramesh had agreed not to enter the Sanctum sanctorum.

9. I make it clear that this order will not amount to casting any aspersion on Ramesh's character or competence. It is only an interim or adhoc arrangement made for this year alone. This writ petition is disposed of with the following directions:-

a) The temple shall be kept open for Maha Shivaratri and on other days also.



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b) It shall not be closed for any reason.

c) Thiru.Ranganathan, S/o.Arumugam Pillai will officiate as Poojari.

d) It is open to every one to take part in the festival and offer their worship.

10. Persons belonging to Devendrakula Vellalar community are entitled to participate in the festival celebrations as devotees. There shall not be discrimination in the performance of Annadhanam or offering of Prasadam / Viboodhi. The fourth respondent will ensure that this order is scrupulously complied with. The festival celebrations shall not be interfered with by any person. This writ petition stands disposed of. No costs.

07.03.2024

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

Note : Issue order copy on 07.03.2024.



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To:

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O/o.Revenue Divisional Officer /
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G.R.SWAMINATHAN,J.

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