



W.P(MD)No.5868 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5868 of 2024

P.Chelliah

... Petitioner

Vs.

1.The Tahsildar,
Madurai South Taluk,
Madurai.

2.The Inspector of Police,
Vilakuthoon Police Station,
Madurai.

3.Muthukumar

4.The Assistant Commissioner,
HR & CE Department,
Madurai.
(R4 is suo motu impleaded by this Court
vide order dated 08.03.2024)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 and 2 to open the Temple namely Arulmighu Salavai Karuppannasamy and Kamatchi Amman Thirukovil situated at Yanaikkal, Madurai District in the eve of Maha Shiva Rathiri festival on 08.03.2024.



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For Petitioner : Mr.V.S.Kishok Kumar

For Respondents : Mr.M.Linga Durai
Special Government Pleader for R1

: Mr.A.Albert James
Government Advocate (Crl.side) for R2

: Mr.M.Saravanan
Government Advocate for R4

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for R1 and the learned Government Advocate for R2.

2. The petitioner belongs to Pillamar Community. According to him, the members of the three communities namely Pillamar, Dobi & Asari offer their worship in the petition mentioned temple regularly. For them, Mahasivarathiri is very auspicious. The third respondent happens to be the poojari. The third respondent for reasons that are not quite clear has locked the temple. It appears that one of his family members had passed away and therefore, he is not in a position to officiate as poojari. The conduct of the third respondent is unacceptable. It is not open to the poojari or any person to lock the temple and



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prevent the devotees from offering their worship. The fundamental right of the petitioner and others guaranteed under Article 25 of the Constitution of India has been infringed in this case.

3. I therefore direct Shri.Rajasekar, Inspector of Police, B1.Vilakuthoon Police Station, Madurai City to break open the lock right now. The temple will be kept open. The Inspector of Police, B1.Vilakuthoon Police Station, Madurai is directed to intimate the impleaded respondent about the passing of this order. An interim arrangement shall be made by the fourth respondent to ensure that abishekam and pooja are performed for the deity. If Muthukumar is ready to resume his role as poojari, he shall be permitted. Alternative arrangement shall be made, only if Muthukumar is not coming forward. The temple shall be kept open till 08.00 a.m tomorrow(09.03.2024). Thereafter, it is for the fourth respondent to make proper arrangements.

4. The Writ Petition is allowed on these terms. No costs.

03.03.20234

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To

- 1.The Tahsildar,
Madurai South Taluk,
Madurai.
- 2.The Inspector of Police,
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Madurai.
- 3.The Assistant Commissioner,
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