



W.P(MD)No.7114 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.7114 of 2024

and

W.M.P(MD)No.6572 of 2024

1. Poosari Meiyan,

2. Ganesan,

3. Kodumbathevan,

... Petitioners

Vs

1. The Superintendent of Police,
Sivagangai District,
Sivagangai..

2. The Deputy Superintendent Of Police,
Thirupathur Division,
Sivagangai District.

3. The Sub Inspector of Police,
Puzhuthipatti Police Station,
Sivagangai District.

4.The Tahsildar (Executive Magistrate),
Singampunari Taluk,
Sivagangai District.

... Respondents

***(*R4 impleaded by this Court vide order
dated 22.03.2024)***



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant permission to the petitioner to conduct Panguni Uthiram Festival at Arulmigu Sri Ariyanachi Temple and Sri Puliynamalai Malaiyandi Temple at Puzhuthipatti Village, Sivagangai District on 25.03.2024 from 06.00 a.m. to 10.00 p.m. with light and sound.

For Petitioners : Mr.K.Navaneetharaja

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

The learned Counsel appearing for the Petitioners submit that the Petitioners' ancestors participated in war with Pandya Kings. Therefore, they were presented with copper plate regarding the administration of Arulmigu Sri Ariyanachi Temple and Sri Puliynamalai Malaiyandi Temple at Puzhuthipatti Village, Sivagangai District. Hence, they seek permission of the Respondents to perform Pooja in the said temples for Panguni Festival on 25.03.2024 between 06.00 am to 10.00 pm.



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2. When the learned Counsel appearing for the Petitioners was proceeding with arguments, the learned Counsel for the Intervenor submit that earlier also the father of the Petitioners had filed writ petitions, in w.P(MD)Nos.14559 of 2019, 4313 of 2022, in which, orders were granted in favour of the Petitioner therein. Subsequently, the Private Respondent had approached this Court for recall of that order, that was in the year 2022. Subsequently in the year 2023, there was no petition for claim for doing pooja.

3. The intervening party (intervening party had not filed any writ miscellaneous petition seeking to implead in this writ petition). To the query of this Court, the learned Counsel for the intervenor would submit that it is the method adopted by the petitioner herein to approach this Court at the last working day before the commencement of the festival and obtain order without impleading the rival parties.

4. The learned Counsel for the Intervenor (without filing any impleading petition) submitted the copies of the earlier order. It is the further submission that O.A No.34 of 1987, as noted in the writ petition filed in W.P(MD)No.14559 of 2019, is still pending before the Hindu



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Religious Chartiabale and endowments Department authorities for adjudication. Therefore, it is the submission that this writ petition itself is not maintainable.

5.The learned Government Advocate (Crl.Side) on instructions of the Respondents submit that there are rival claims to the temple administration and also for performing Pooja. Therefore, the subject matter had been referred to the Tahsildar, Singampunari Taluk, Sivagangai District.

6.Considering the submissions made by the learned Counsel appearing for the Petitioners, the learned Government Advocate (Crl.Side) and the learned Counsel, who appeared without vakalat and impleading petition as there is no time for filing such petition, the Tahsildar (Executive Magistrate), Singampunari Taluk, Sivagangai District, is *suo-motu* impleaded as fourth Respondent in this petition. Considering the model code of conduct in force through out India due to ensuing Lok Saba Elections, either the Tahsildar or the Deputy Tahsildar concerned who have been granted the power during the election time shall convene a peace committee meeting. The Respondents 2 and 3



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shall issue summons for appearance of the rival parties today itself.

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7.The learned Government Advocate (Crl.Side) submit that peace committee meeting is now going on.

8.Therefore, if both the parties arrive at an amicable settlement, the Tahsildar, Singampunari Taluk or the Deputy Tahsildar, Singampunari Taluk shall pass appropriate orders. In the light of the model code of conduct to ensure peace in the locality if there is an amicable settlement, an affidavit shall be given by each of the organizing committee members to abide by the model code of conduct to the Tahsildar (Executive Magistrate), Singampunari Taluk, the Deputy Tahsildar, Singampunari Taluk and also to the third Respondent. In such event, the youth of the village may be enlisted for assisting the Police Personnel for security duty to maintain peace in the festival. If both the parties does not come forward for amicable settlement the Tahsildar, Singampunari has the powers to withhold permission.



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9. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

**22.03.2024
(1/2)**

Index : Yes/No

Internet: Yes/No

LR

Note: Issue Order Copy on 22.03.2024



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To

1. The Superintendent of Police,
Sivagangai District,
Sivagangai..
2. The Deputy Superintendent Of Police,
Thirupathur Division,
Sivagangai District.
3. The Sub Inspector of Police,
Puzhuthipatti Police Station,
Sivagangai District.
4. The Tahsildar (Executive Magistrate),
Singampunari Taluk,
Sivagangai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Deputy Tahsildar,
Singampunari Taluk,
Sivagangai District.



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SATHI KUMAR SUKUMARA KURUP, J.

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