



W.P(MD)No.8438 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8438 of 2024

and

W.M.P.(MD)No.7646 of 2024

Krishnasamy

... Petitioner

Vs.

1.The Revenue Divisional Officer/ Assistant Election
Officer, Thoothukudi Parliamentary Constituency,
Kovilpatti,
Thoothukudi District.

2.The Tahsildar,
Kayathar Taluk Office,
Kayathar,
Thoothukudi District.

3.The Deputy Superintendent of Police,
Kovilpatti,
Thoothukudi District.

4.The Inspector of Police,
Kayathar Police Station,
Kayathar,
Thoothukudi District.

5.Mahesh

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order passed by the 1st respondent in his



W.P(MD)No.8438 of 2024

proceedings in Na.Ka.E/2733 (Ko 28) / 2024 dated 28.03.2024 and quash the same as illegal and arbitrary and consequently direct the 1 to 4 th Respondents herein to permit and give Police protection to the petitioner to conduct the temple festival of Arulmigu Sri Pathirakaliamman and Arulmigu Sri Utchimakaliamman and Arulmigu Sri Mariamman Temple will be schedule on 01.04.2024 to 03.04.2024.

For Petitioner : Mr.G.Gomathisankar

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1 & R2

: Mr.A.Albert James
Government Advocate (Crl.side) for R3 & R4

: Mr.S.Balaji for R5

ORDER

Heard both sides.

2. The petition mentioned temple is situated in Pudukottai Village in Kayathar Taluk in Thoothukudi District. Yadava community asserts that the temple belongs to their community. This assertion is contested by the 5th respondent and others. The peace committee meeting was convened on 01.08.2023. It was proposed that Yadava community can celebrate the temple festival on the 3rd Tuesday of puratasi as well as panguni months. Pillamar



W.P(MD)No.8438 of 2024

community is to celebrate the festival on 1st May. The persons belonging to the communities other than the Yadava community are to have their celebration on the 4th Tuesday of every Chithirai. This was not acceptable to the members of the Yadava community who staged a walk out. Since the law and order issues were anticipated, the authorities directed that the petition mentioned temple festival will not be celebrated from 30.03.2024 to 03.04.2024. Challenging the said decision dated 28.03.2024, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated the stand taken in the affidavit filed in support of the writ petition.

4. The learned counsel appearing for the fifth respondent submitted that they are prepared to abide by the decision taken in the peace committee meeting held on 01.08.2023. It is not in dispute that Yadava community has filed a representative suit in O.S.No.156 of 2023 on the file of the Sub Court, Kovilpatti. The contest appears to be between the Yadava community on the one hand and the Devendrakula Velalar community on the other. The learned counsel for the 5th respondent states that though in the suit, Devendrakula Velalar community alone has been impleaded as defendant, other community members have also filed the impleading petition in I.A.No.2 of 2023. I make it clear that the outcome of this writ petition will not have any bearing on the suit.



W.P(MD)No.8438 of 2024

Since the 5th respondent has no objection for the Yadava community to celebrate the festival upto 03.04.2024, the impugned order has to be necessarily set aside. The only question that calls for consideration is whether Devendrakula Velalar community can be permitted to celebrate the festival on 4th Tuesday in the month of Chithirai. The petitioner's counsel of-course states that the members of the Devendrakula Velalar community can offer their worship. But they cannot hoist the flag or claim any right over the temple.

5. Thiru.Tamil Selvan, Sub Inspector of Police attached to Kayathar Police Station states that the temple in question does not have any independent flag on its own. The members of the Devendrakula Velalar community can celebrate the temple festival on the 4th Tuesday of Chithirai. But they will not be permitted to hoist any flag. I make it clear that this permission to the 5th respondent to celebrate the temple festival will not confer any right over the administration of the temple. I make it further clear that traditional customs will be followed. It is stated that a member of the pulavar community will officiate as temple priest on the festival days also.



W.P(MD)No.8438 of 2024

6. The impugned order is set aside. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

02.04.2024

Index : Yes / No
Internet : Yes/ No
rmi

NOTE:Issue Order Copy on 02.04.2024

To

1.The Revenue Divisional Officer/ Assistant Election Officer, Thoothukudi Parliamentary Constituency, Kovilpatti, Thoothukudi District.

2.The Tahsildar, Kayathar Taluk Office, Kayathar, Thoothukudi District.

3.The Deputy Superintendent of Police, Kovilpatti, Thoothukudi District.

4.The Inspector of Police, Kayathar Police Station, Kayathar, Thoothukudi District.



WEB COPY



W.P(MD)No.8438 of 2024

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.8438 of 2024

02.04.2024