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W.P.(MD)NO.9810 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9810 of 2024

M.Murugesan

... Petitioner

Vs.

1. The Tahsildar,
Madurai South Taluk, Madurai.
2. The Inspector of Police,
Vilakkuthoon police station, Madurai.
3. M.Muthukumar
4. The Assistant Commissioner,
HR&CE Department,
Madurai.
(R4 is suo motu impleaded
vide order dated 23.04.2024)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to open the temple namely Arulmighu Salavai Karuppannasamy and Goddess Kamatchi Amman situated at Yanaikkal, Madurai District for Chithra Pournami festival enabling to worship the deity.

For Petitioner	: Mr.V.Karthick Raja
For R-1	: Mr.K.Balasubramani, Special Government Pleader.
For R-2	: Mr.A.Albert James, Government Advocate.
For R-4	: Mr.P.T.Thiraviyam, Government Advocate.

**ORDER**

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the jurisdictional Tahsildar and the learned Government Advocate appearing for the jurisdictional police and the learned counsel appearing for the fourth respondent.

2. When the writ petition was listed for admission yesterday, I directed the second respondent to intimate the third respondent about the listing of this case today.

3. When the matter was taken up for hearing, the learned Government Advocate submitted that the third respondent is not available and that summon could not be served on the third respondent. Mr. Ramesh, Sub Inspector of Police, Vilakkuthoon police station is present in person. He confirms that in view of the non-availability of the third respondent in his residence, summon could not be served.

4. This is not the first occasion. When the affairs of the petition mentioned temple came up for consideration on the occasion of Mahasivarathiri, one P.Chelliah filed W.P.(MD)No.5868 of 2024 seeking direction for opening the temple. Muthukumar was shown as the third



respondent. The writ petition was allowed by me on 08.03.2024 in the

following terms:-

“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 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



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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.”

5. History is repeating itself. I therefore intend to adopt the very same order which had been passed on the last occasion. I direct Mr.Ramesh, Sub Inspector of Police, B-I, Vilakkuthoon police station to break open the temple lock immediately. The temple will be kept open from 04.45 p.m. today till 07.00 a.m. on 25.04.2024.



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6. The petitioner undertakes to put in place appropriate security arrangements. The cost has to be borne only by the petitioner. The interim arrangements shall be made by the fourth respondent to ensure Abishegam and Pooja are performed for the deity. The petitioner has to necessarily bear the cost of payment to Poojari to be chosen by the department. Since Muthukumar is reluctant to perform his role as Poojari, alternative arrangement to be made by the HR&CE Department will be in place till 07.00 a.m. on 25.04.2024. Thereafter, it is for the fourth respondent to make appropriate arrangements. This writ petition stands allowed on these terms. No costs.

23.04.2024

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

Note : Issue order copy on 23.04.2024 by 3.00 p.m.

To:

1. The Tahsildar,
Madurai South Taluk, Madurai.
2. The Inspector of Police,
Vilakkuthoon police station, Madurai.



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4. The Assistant Commissioner,
HR&CE Department, Madurai.

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G.R.SWAMINATHAN,J.

PMU

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