



W.P(MD)No.12039 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2024

CORAM :

THE HON'BLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.12039 of 2024

and

W.M.P.(MD)No.10712 of 2024

1.M/s.Thiruparankundram Arulmigu Irullapa
Samy Valipadum Agamudaiyar Savadi Dharma Trust,
(Doc.No.146/2010),
Represented by its Managing Trustee
Mr.Sabatham @ Muthu Karuppan.

2.M.Kannan

3.R.Sathish Kumar

...Petitioners

Vs.

1. The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Madurai South, Madurai.

3.The Commissioner of Police,
Madurai City, Madurai.

4.The Inspector of Police (L & Q),
Thiruparankundram Police Station,
Madurai District.

5.M.Muthirulan

...Respondents



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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 4th respondent to provide protection for the purpose of Vaigai Kalari Temple festival to the Arulmigu Irullappasamy Temple, situated at S.No.198/2, D.No. 196/14, G.S.T. Road, Girivala Veedhi, Thiruparankundram, Madurai District, to be conducted on 11.06.2024 by considering the representation, dated 23.04.2024 and 18.05.2024.

For Petitioners : Mr.K.R.Laxman
For R1 - R4 : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

ORDER

The 1st petitioner is said to be the Managing Trustee of Thiruparankundram Arulmigu Irullapa Samy Valipadum Agamudaiyar Savadi Dharma Trust has approached this Court with a grievance that the private respondent is preventing them from conducting Kalari festival which is scheduled to be conducted on 11.06.2024. Therefore, the petitioners have filed this writ petition seeking a direction against the 4th respondent to provide police protection for the purpose of conducting Vaigasi Kalari temple festival in Arulmigu Irullappasamy Temple, situated at S.No.198/2, D.No. 196/14, G.S.T. Road, Girivala Veedhi,



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Thiruparankundram, Madurai District on 11.06.2024 by considering their representations, dated 23.04.2024 and 18.05.2024.

2. The learned counsel appearing for the petitioners submits that the 1st petitioner is the Managing Trustee of the temple and he is filing the income tax returns from the year 2010 onwards. However, the 5th respondent is insisting that he has to conduct festival for this year. Since the 5th respondent is raising some issues, the writ petitioners have also made a request seeking for a police protection to the respondent police in the month of April 2024 itself and the same was not considered. Therefore, further representation was also given on 18.05.2024. The respondent police has neither conducted any enquiry nor provided any police protection and the festival is scheduled to be conducted on 11.06.2024. In that event, if any law and order problem arises, it would cause problem.

3. The learned Government Advocate(Crl.Side) appearing for the respondents 1 to 4 submits that based on the representations of the petitioners, the respondent police has referred the matter to the Tahsildar and the Tahsildar has conducted a peace committee meeting on



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07.06.2024. However, no solution has been arrived at. Thereafter, the respondent police has also attempted to resolve the problem between the petitioners and the 5th respondent and it was also ended in vain. Now, this matter is referred to Revenue Divisional Officer and the Revenue Divisional Officer is about to conduct a peace committee meeting at about 5.30 p.m today (10.06.2024).

4. This Court considered the rival submissions made.

5.The petitioners have approached this Court in a last minute.However, they submitted representation to the respondent police seeking police protection on 23.04.2024 itself and further representation on 18.05.2024.The petitioners have also placed certain materials that the 1st petitioner is the elected Managing Trustee and he is filing the income tax returns and all the property documents stand in his name.However, this Court is not inclined to allow this petition based on his submissions alone without providing an opportunity to the 5th respondent.However, considering the fact that the festival is scheduled to be conducted on 11.06.2024, this Court is inclined to dispose of this petition with a direction to the petitioners to approach the Deputy Commissioner,



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Thiruparankundram, Madurai District. The Deputy Commissioner, Thiruparankundram, Madurai District shall conduct the festival in his presence and if necessary, he can also seek police protection. The subject issue is pertaining to the celebration in a temple festival which can be decided only by the Hindu Religious and Charitable Endowments Department and not by the revenue officials. There is no provision available under any of the Act empowering the police officials to interfere with the affairs of the other department by conducting a peace committee meeting. In the absence of any authority, any decision which has been taken in the peace committee meeting is not binding the parties. The parties either have to work out their remedy before the Joint Commissioner, Hindu Religious and Charitable Endowments Department or the Civil Court. Pending dispute, in order to conduct the festival peacefully, liberty is given to the petitioners to approach the Deputy Commissioner, Thiruparankundram, Madurai District and the Deputy Commissioner, Thiruparankundram, Madurai District can look into this issue and shall also ensure that the festival is conducted as that of the previous years. The respondent police is directed to provide all assistance and help to the Deputy Commissioner, Thiruparankundram, Madurai District to conduct the festival peacefully.



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6. This writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

10.06.2024

Internet: Yes
Index : Yes/No
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Note : Issue Order Copy on 10.06.2024.

To

1. The District Collector,
Madurai District.
2. The Revenue Divisional Officer,
Madurai South, Madurai.
3. The Commissioner of Police,
Madurai City, Madurai.
4. The Inspector of Police (L & Q),
Thiruparankundram Police Station,
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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