



W.P. (MD) No. 12784 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD) No. 12784 of 2024

C.Ramesh

... Petitioner

-VS-

1 .The Deputy Superintendent of Police,
Deputy Superintendent Office,
Mudukuladhur, Ramanathapuram District,
Ramanathapuram.

2. The Tahsildar
Mudukuladhur Taluk,
Ramanathapuram District.

3. The Inspector of Police
Mudukuladhur Police Station,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to grant permission and to provide police protection for conducting the temple festival Valli Thirumanam Drama on 14.06.2024 to 16.06.2024 at Sri Perayira Moorthy Ayyanar Kovil situated at



W.P. (MD) No. 12784 of 2024

Irachikulam Village Mudukuldhur Taluk Ramanathapuram District on the basis of the petitioner's reminder representation dated 12.06.2024.

For Petitioner : Mr.S.Mahendrapathy

For Respondents : Mr. E.Antony Sahaya Prabahar
Additional Public Prosecutor

For Intervenor : Mr.R.Rajeswaran

ORDER

The petitioner, a native of Irachikulam Village has filed this Petition seeking a direction to grant permission and to provide police protection for conducting the temple festival Valli Thirumanam Drama from 14.06.2024 to 16.06.2024 at Sri Perayira Moorthy Ayyanar Kovil, situated at Irachikulam Village, Mudukuldhur Taluk, Ramanathapuram District, on the basis of the petitioner's representation dated 12.06.2024.

2. The learned counsel for the petitioner submits that the village festival was being performed every year and on 06.06.2024, the petitioner along with local people met the District Collector, Ramanathapuram and the Superintendent of Police, Ramanathapuram to conduct the festival. However, they instructed



W.P. (MD) No. 12784 of 2024

them to conduct the festival from 14.06.2024 to 16.06.2024. Therefore, they have submitted a representation on 07.06.2024 and on 12.06.2024, however the same was not considered till date. Therefore, the learned counsel prayed for appropriate order.

3. Mr.R.Rajeswaran, learned counsel for the intervenor submits that the representation has been made suppressing certain material facts. According to him, one S.Varadharajan has been declared as the Administrator of the Temple by the Joint Commissioner, H.R.&C.E. Department, Sivagangai, in O.A.No.7 of 2019, by order dated 22.02.2024 under Section 63(e) of the H.R.&C.E Act, 1959. Due to certain disputes between the parties, the temple also locked for several years and it is now reopened only in the month of June-2024 and the said Varadharajan has made all arrangements for the village festival. At that point of time, one Ramaiya, with an intention to prevent the said Varadharajan from conducting the festival peacefully, has filed a Writ Petition in W.P.(MD)No.11861 of 2024 to permit the village people to conduct the temple festival i.e. 'Puravi edukum Vizha' at Arulmigu Sri Perayaram Moorthy Ayyanar and Karuppannaswamy Temple and not to provide special privilege/honor to anybody.



W.P. (MD) No. 12784 of 2024

This Court, by order dated 06.06.2024, has disposed of the said Writ Petition with the following observations:

3.The grievance of the petitioner is that the sixth respondent has obtained an order from the fourth respondent/the Joint Commissioner in O.A.No.7 of 2019 on 22.02.2024 under Section 63 (e) of the HR & CE Act, 1959 behind the back of the petitioner. It is submitted that the aforesaid temple was closed from 2019 on account of the attitude of the sixth respondent, which had resulted in law and order situation and that the aforesaid order dated 22.02.2024 in O.A.No.7 of 2019 has been secured behind the back of the petitioner.

4.It is submitted that although the petitioner proposes to file a statutory appeal before the Commissioner under Section 69(2) of the HR & CE Act, 1959, the petitioner was taken by surprise as the temple was opened on 17.05.2024 and arrangements have been made for giving certain privilege to the sixth respondent, which is non existent in the temple.

5.According to the petitioner, the temple is a community temple and that no person is entitled to any privilege and the offerings are from the public and the members of the community, who congregate in the aforesaid temple.



W.P. (MD) No. 12784 of 2024

WEB COPY

6.The learned Senior Counsel appearing for the petitioner would submit that the aforesaid order of the Joint Commissioner dated 22.02.2024 passed under Section 63(e) of the HR & CE Act, 1959, is not a judgment in rem but a judgment in personam and therefore, no special privilege can be conferred on the sixth respondent in dereliction of the rights of the public, which includes the petitioner, who is also a devotee of the aforesaid temple.

.....

8.That apart, the learned counsel for the official respondents would submit that after the order was passed by the Joint Commissioner on 22.02.2024 in O.A.No.7 of 2019, the temple, which was under lock and seal, was opened on 17.05.2024, in the presence of disputing parties before the Joint Commissioner in O.A.No.7 of 2019 as also the other villagers and therefore submits that the arrangements made for the temple festival including the limited rights recognized by the Joint Commissioner in the aforesaid order cannot be disturbed at this 11th hour, as all the arrangements have been made.



W.P. (MD) No. 12784 of 2024

WEB COPY

4. This order was passed on 06.06.2024. Immediately on the next date, the petitioner has submitted the representation on 07.06.2024 and has filed this Writ Petition on 13.06.2024, suppressing the earlier order passed by this court in W.P. (MD)No.11861 of 2024, dated 06.06.2024. Therefore, the learned counsel for the intervenor prayed for dismissal.

5. The learned Additional Public Prosecutor submits that the temple festival was conducted between 07.06.2024 and 14.06.2024 and it is over.

6. This Court considered the rival submissions made on either side and perused the materials placed on record.

7. It appears that for the very same temple festival, already a Writ Petition was filed in W.P.(MD)No.11861 of 2024 and this Court has dismissed the petition on 06.06.2024, expressing its non-inclination to interfere with the temple festival proposed on 07.06.2024, at the eleventh hour. According to the learned Additional Public Prosecutor in pursuance to the same, the festival was also



W.P. (MD) No. 12784 of 2024

conducted. However, without any reference to these facts, the petitioner has filed this Writ Petition for the very same relief.

8. Since this petitioner has approached the Court by suppressing the material facts, this Court is inclined to dismiss the Writ Petition with costs.

9. Accordingly, this Writ Petition is dismissed with a cost of Rs.10,000/- payable by the petitioner to the credit of Sri Perayira Moorthy Ayyanar Kovil, situated at Irachikulam Village Mudukuldhur Taluk Ramanathapuram District.

18.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

LS

Note: Issue order copy on 21.06.2024.



W.P. (MD) No. 12784 of 2024

WEB COPY

To:

1. The Deputy Superintendent of Police,
Deputy Superintendent Office,
Mudukuladhur, Ramanathapuram District,
Ramanathapuram.
2. The Tahsildar
Mudukuladhur Taluk,
Ramanathapuram District.
3. The Inspector of Police
Mudukuladhur Police Station,
Ramanathapuram District.

Copy to
The Managing Trustee,
Sri Perayira Moorthy Ayyanar Kovil,
Irachikulam Village Mudukuldhur Taluk,
Ramanathapuram District.



WEB COPY



W.P. (MD) No. 12784 of 2024

B.PUGALENDHI, J.

LS

W.P.(MD) No. 12784 of 2024

18.06.2024