



W.P.(MD) No.12864 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.12864 of 2024
and
W.M.P.(MD) No.11424 of 2024**

Velmurugan

... Petitioner

/vs./

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Commissioner,
HR & CE Department,
Chennai.
- 3.The Superintendent of Police,
Dindigul District,
Dindigul.
- 4.The Joint Commissioner,
HR & CE Department,
Madurai.
- 5.The Assistant Commissioner,
HR & CE Department,
Dindigul.



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6.The Fit Person,
Arulmigu Sri Kaliamman
Sri Mariamman Thirukovil,
Vaivespuram,
Nagaiahkottai Village,
Gujjiliamparai,
Dindigul District.

7.The Tahsildar,
Gujjiliamparai Taluk,
Dindigul District.

8.The Inspector of Police,
Erioyodu Police Station,
Dindigul District.

9.Ganesan

10.Selvam

11.Ganesan

12.Perumal Naicker

13.Subramani

14.V.R.Thangapandian

15.Arumugam

16.Kannadhasan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the official respondents, namely 1, 2 and



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4 to 6 herein to give suitable direction to the 13th respondent to conduct temple festival, namely Sree Kalliyamman Kovil, Sri Mariamman and Vinayagar Temple is situated at Vaivespuram, Nagayakottai, Gujiliamparai Taluk, Dindigul District in the Valarpirai Tamil Month on 07.07.2024 (Sattuthal Festival) in the Valarpirai Tamil Month and 14.07.2024 to 16.07.2024 instead of 16.06.2024 as fixed by the 13th respondent consequently direct the official respondent permit the petitioner and other respondents to conduct temple festival in the above said date based upon the petitioner's representation dated 12.06.2024.

For Petitioner : Mrs.S.Prabha

For R1, R2, R4
R5 & R7 : Mr.P.T.Thiraviam
Government Advocate

For R3 & R8 : Mr.Veeranthiran
Government Advocate (Crl.side)

ORDER

The petitioner has filed this writ petition for a Writ of Mandamus to direct the respondents 1, 2 and 4 to 6 to give suitable direction to the 13th respondent to conduct the temple festival in Sree Kalliyamman Kovil, Sri Mariamman and Vinayagar Temple at Vaivespuram, Nagayakottai, Gujiliamparai Taluk, Dindigul District on 07.07.2024 (Sattuthal Festival) and from 14.07.2024 to 16.07.2024 instead of 16.06.2024 as fixed by the 13th respondent and to direct the official



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respondents to permit the petitioner and other respondents to conduct the temple festival in the above said dates based upon the petitioner's representation dated 12.06.2024.

2.Opposing the prayer, the learned Government Advocate for the respondents 1, 2, 4, 5 and 7 would submit that pursuant to the directions of this Court dated 22.04.2024 in W.P.(MD) No.17845 of 2023, a resolution was passed by the devotees from the village in the presence of HR & CE on 02.06.2024, wherein a decision was taken to conduct the temple festival from 23.06.2024 to 25.06.2024.

3.It is submitted that the order passed by this Court on 22.04.2024 in W.P. (MD) No.17845 of 2023 was also appealed by the petitioner therein before the Division Bench of this Court in W.A.(MD) No.981 of 2024, which came to be dismissed by the Hon'ble Division Bench of this Court on 06.06.2024.

4.It is submitted that the petitioner is the lone dissenter, who did not participate in the deliberations of the villagers in the presence of the HR & CE



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Department on 02.06.2024. It is therefore submitted that all arrangements have been made and therefore, the temple festival cannot be postponed.

5. Even otherwise, the prayer wrongly states that the temple festival is proposed to be held on 16.06.2024 contrary to the invitation furnished by the HR & CE Department along with the non hereditary trustee appointed.

6. Having considered the submissions made by the learned counsel for the petitioner, learned Government Advocate for the respondents 1, 2, 4, 5 and 7 and the learned Government Advocate (Crl.side) for the respondents 3 and 8, the arrangements made for the temple festival, which is to commence from 23rd of this month to 25th of this month, cannot be stopped. Hence, I am of the view that the writ petition has to fail.

7. That apart, a Mandamus can also not be issued, where there is absence of a correspondence statutory right to claim a particular relief.



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8. Therefore, the Writ Petition stands dismissed. It is open for the petitioner to approach the HR & CE Department dealing with ensuing the temple festival during the next year. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes / No
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14.06.2024

To

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6/8



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- 6.The Tahsildar,
Gujjiliamparai Taluk,
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- 7.The Inspector of Police,
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C.SARAVANAN, J.

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