



1

W.P.(MD)No.12985 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12985 of 2024

and

W.M.P.(MD)No.11524 of 2024

A.Murugesan

... Petitioner

Vs.

1. The District Collector,
Dindigul District, Dindigul.
2. The Revenue Divisional Officer,
Dindigul Taluk, Dindigul.
3. The Tahsildar, Dindigul West Taluk,
Dindigul.
4. The Deputy Superintendent of Police,
Dindigul Rural, Dindigul.
5. The Inspector of Police,
Dhadikombu Police Station,
Dindigul.

6.S.Gowthaman

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in Na.Ka.No. 2134/2019/A1 dated 13.06.2024 and quash the same as illegal and



consequently forbear the respondents from grant any permission regarding temple festival of Sri Kali Amman, Sri Mari Amman and Sri Bhagavathy Amman temple at Nanthavanapatti Village, Dindigul till the disposal of the civil suit as direction given by this Court in Cont P(MD)No.SR37030 of 2024 dated 10.06.2024.

For Petitioner : Mr.S.Sukumar

For Respondents : Mr.D.Sasikumar,
Additional Government Pleader
for R1 to R3

Mr.R.Suresh Kumar,
Government Advocate (crl.side)
for R4 & R5

Mr.S.Poornachandran for R6

ORDER

Heard the learned counsel on either side.

2.The case on hand pertains to conduct of the temple festival in Nandavanapatti, Dindigul District. In the year 2014, the Revenue Divisional Officer, Dindigul passed an order permitting S.Gowthaman group to celebrate the festival first and followed by the celebration by A.Murugesan group. Thiru.Murugesan filed WP(MD)No.18389 of 2014 challenging the said order. The said writ petition was dismissed on 26.11.2014. Paragraphs 21, 22 and 23 of the said order read as follows :



“21.At this stage, this court pertinently points out that a mere perusal of the order dated 11.02.2014 passed by the second respondent shows that the sixth respondent's group was permitted to perform the festival always first and the writ petitioner's group was directed to perform the festival second on a different date.

22.Apart from the above, on 08.11.2014, the fourth respondent passed an order granting permission to the sixth respondent group to conduct festival on 18.11.2014 and the petitioner's group was directed to inform within three days on what date they had decided to offer worship of the deity etc. In fact, the order passed by the fourth respondent dated 08.11.2014 was served to the parties concerned.

23.On a careful consideration of respective contentions and this court by taking note of the entire conspectus and overall attendant facts and circumstances of the present case in an integral fashion, comes to an inescapable and irresistible conclusion that the order dated 11.2.2014 passed by the second respondent and the order dated 08.11.2014 passed by the fourth respondent do not suffer from any material irregularities, infirmities and patent illegalities in the eye of law. Per contra, this court holds that the said orders are a valid and legally sustainable one in the eye of law. Consequently, the writ petition fails.”



In the year 2019, Thiru.Murugesan filed WP(MD)No.22800 of 2018.

The said writ petition was closed by granting liberty to the parties to move the jurisdictional civil court for appropriate relief. While so, Gowthaman group said to have filed writ appeal but the same was subsequently withdrawn. Peace committee meeting was convened on 23.05.2024 and certain decisions were taken. Challenging the same, Thiru.Murugesan filed WP(MD)No.12090 of 2024. The said writ petition was disposed of in the following terms :

“2.The petitioner challenges the peace committee meeting decision taken on 23.05.2024. I have consistently held that a decision taken in a peace committee meeting has got no statutory value or consequence. It can be safely ignored by the petitioner. The petitioner will not invite any adverse consequence on account of defiance of the peace committee decision. The parties will have to work out their rights on merits. The learned counsel for the petitioner states that the petitioner's side did not given their consent, it had been wrongly recorded in the impugned proceedings. This submission is placed on record. I make it clear that peace committee decision does not bind the petitioner.

3.With these observations in favour of the writ petitioner, this writ petition is disposed of.”



3. Murugesan group have filed this writ petition questioning the order permitting Thiru. Gowthaman group to celebrate the festival first followed by Murugesan group. It is true that the impugned proceedings are in consonance with the earlier proceedings passed by the Revenue Divisional Officer, Dindigul. I also notice that Murugesan's challenge on the earlier occasion was in vain. I therefore will not fault the Revenue Divisional Officer, Dindigul for having passed the present order. But then, he has no jurisdiction to pass such an order. Here is a case where Murugesan group and Gowthaman group are having serious dispute. This dispute must be resolved only by the jurisdictional civil court. The revenue authority could not have intervened in support of one group. To this extent, the impugned order suffers from serious lack of jurisdiction and illegality. Thiru. Gowthaman undertakes through his counsel before this Court that his group will file an appropriate suit within a period of three weeks from the date of receipt of copy of this order. In other words, the manner of conducting the temple festival for the next year will abide by the orders of the civil court. The revenue authorities will no longer pass any order one way or the other. The revenue authorities will go by the orders to be passed by the jurisdictional civil court. Of course, if any law and order problem arises or any cognizable offence is



made out, the jurisdictional police are bound to step in. I make it clear that I have not gone into the merits of the matter.

4. Recording the undertaking given by sixth respondent to move the jurisdictional civil court, this writ petition is disposed of. The temple festival for this year will go on as per the impugned proceedings. I have not interfered with the impugned order only because of the undertaking given by the sixth respondent through his counsel. If such an undertaking had not been given, I would have definitely set aside the impugned order.

5. This writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

14.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
SKM



WEB COPY **To:**

1. The District Collector,
Dindigul District, Dindigul.
2. The Revenue Divisional Officer,
Dindigul Taluk, Dindigul.
3. The Tahsildar, Dindigul West Taluk,
Dindigul.
4. The Deputy Superintendent of Police,
Dindigul Rural, Dindigul.
5. The Inspector of Police,
Dhadikombu Police Station,
Dindigul.



WEB COPY



8

W.P.(MD)No.12985 of 2024

G.R.SWAMINATHAN,J.

SKM

W.P.(MD)No.12985 of 2024
and
W.M.P.(MD)No.11524 of 2024

14.06.2024