



W.P.(MD) No.16513 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.16513 of 2024

M.Balamurugan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
Nungambakkam High Road,
Nungambakkam, Chennai – 34.

2.The Superintendent of Police,
Sivagangai.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Muthusamy Nagar, Sivagangai.

4.The Revenue Divisional Officer,
Devakottai Taluk,
Sivagangai.

5.The Tahsildar,
Devakottai Taluk,
Devakottai,
Sivagangai.



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6.The Executive Officer,
Arulmigu Muthumariamman Thirukoil,
Srirangam, Arunagiripattinam,
Devakottai,
Sivagangai.

7.The Inspector of Police,
Devakottai Nagar Police Station,
Devakottai,
Sivagangai.

8.N.Karuppiah.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 6th respondent Executive Officer to consider the petitioner's representation dated 14.07.2024 and to draw the lots on 23.07.2024 or on another other dated for selection person for taking 'Sakthi Karagam' as per the order of this Court dated 29.07.2022 in W.A.(MD)No.782 of 2022 so as to enable peaceful conduct of the Aadi Festival-02024 of Arulmigu Muthumariamman Temple, Srirangapuram, Arunagiripattinam, Devakottai, Sivagangai from 30.07.2024 and ends on 07.08.2024.

For petitioner : Mr.S.Madhavan

For respondents : Mr.P.Subbaraj
Special Government Pleader for R1, R3 to R6
Mr.A.Albert James,
Government Advocate (Crl. Side) for R2 & R7

ORDER

This Writ Petition is disposed of at the time of admission today, after dispensing with the notice on the contesting respondent No.8 as no adverse orders

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are proposed to be passed against the eighth respondent.

2. This Writ Petition has been filed at the eleventh hour before the proposed Temple festival to be held from 30.07.2024 to 07.08.2024.

3. There is a long history to the dispute regarding the rights to carry on 'Sakthi Karagam'. It appears that the dispute is between two communities namely, Illathu Pillamar and Aghamudaiyar.

4. Earlier, O.A.Nos.5 & 3 of 2016 were filed by the members of the respective communities under Section 63(e) of the TNHR&CE Act, 1959. By a common order dated 02.12.2021, certain directions were issued, whereby, the ratio that was arrived at as 2:1, as per which, for two years, by the members belonging to the Illathu Pillaimar, to which the petitioner belongs, will be entitled to carry on the 'Sakthi Karagam' and thereafter, for one year, by the members belonging to the Agamudiar, to which the eighth respondent belongs, will be entitled to carry on the 'Sakthi Karagam'.



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5. Aggrieved by the same, both the communities filed Appeals before the Commissioner/the first respondent in A.P.Nos.118 & 122 of 2022. These appeals are still pending before the Commissioner/the first respondent. Pending disposal of the appeals, the petitioner as also the eighth respondent have been approaching this Court.

6. Earlier, certain orders came to be passed in W.P.(MD)No.14425 of 2022 dated 07.07.2022, at the behest of Illathu Pillaimar that is, to which the petitioner belongs, whereby, the fifth respondent herein/the Tahsilar, Devakottai, was directed to ensure the peace and tranquility are maintained as well as the right, which has been declared by the competent Court as on date to be followed unless there are any other restrictions from the competent Court.

7. Aggrieved by the same, the eighth respondent had filed an Appeal before this Court in W.A.(MD)No.782 of 2022. By an order dated 29.07.2022, this Court had observed as under:

“12. From the peculiar facts of this case and the development, this Court is of the view that some arrangements in the interest of both is required as the festival for this year has already commenced. Therefore, the festival for this year can be



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celebrated/ conducted jointly by both the Communities as it was being done all along. With regard to Sakthi Karagam, there shall be a drawing of lot by putting the names of two members belonging to the appellant Community and three members from the first respondent Community. Thereafter, the person whose name is taken by drawing lot among the five members shall take Sakthi Karagam, and this arrangement is only for this year.”

8. Finally, the Court had allowed the Writ Appeal with the following observation:

“14. Considering the fact that the appeal in A.P.Nos.118 and 7 of 2022 is pending before the Commissioner, this Court suo motu impleads the Commissioner of HR and CE Department, Chennai, as fourth respondent. The Commissioner, HR and CE Department, Chennai, is directed to dispose of the appeals pending before him in A.P.Nos.118 and 7 of 2022, after hearing of the parties and giving adequate opportunity as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.”

9. The aforesaid order was also modified subsequently, by an order dated 01.08.2022 with the following directions:

“2.Hence, the Executive Officer of the Temple is now directed to get police protection and conduct the festival under his supervision. The Executive Officer of the Temple is directed to approach the District Superintendent of Police, Sivagangai for adequate police protection to conduct the festival and the District Superintendent of Police, Sivagangai is directed to give adequate



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police protection for the smooth conduct of the festival and to ensure that the order of this Court with regard to Sakthi Karagam is implemented in its letter and spirit. In case, the respondent group is not inclined to give the names of persons representing their group to perform Sakthi Karagam, the Executive Officer shall select the person among the persons nominated by the appellant group by drawing lots among the persons so nominated.”

10. For the last year, the petitioner herein had approached this Court with a similar prayer in W.P.(MD)No.17607 of 2023, wherein, the eighth respondent was also a party. The Court had passed an order dated 21.07.2023, in which, in para 5 of the aforesaid order, it was observed as under:

“5. However it was submitted by both the petitioner and the respondents a slight modification may be incorporated in the said direction. Instead of “two members belonging to the appellant Community and three members from the first respondent Community”, both the community may be directed to give five members. Therefore, this Court is confirming the order passed by the Hon’ble Division with a modification that the petitioner community shall give five members and the 8th respondent community shall give five members. This Court is also directing the parties to follow the same practice for this year i.e. 2023 as well as for the coming years, until the disposal of the appeal pending before the Commissioner.”

11. Under these circumstances, this Court had directed as follows:

“9. The Executive Officer is directed to conduct the drawal of lot on 23.07.2023. Both the parties shall give a list of five



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persons by 22.07.2023 before 6.00 p.m.

10. The Executive Officer shall seek police protection and the police authorities shall grant adequate protection for the smooth conduct of the festival. At the same time, it is the duty of the petitioner group as well as the 8th respondent group to cooperate with the officials in conducting the said festival in a peaceful manner without giving room for any complaint whatsoever from any quarter.

11. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.”

12. The prayer of the petitioner in this Writ Petition is also quite similar. Since the Appeals in A.P.Nos.118 & 122 of 2022 are yet to be disposed of by the Commissioner/the first respondent, the Temple festival cannot be kept waiting and the rights of the parties also cannot be kept in abeyance.

13. Under these circumstances, this Writ Petition is disposed of by directing the sixth respondent/the Executive Officer of the Temple to follow the procedure, that was adopted during the last year Temple festival pursuant to the order dated 21.07.2023 in W.P(MD)No.17607 of 2023. Needless to state, before drawing of lot, the eighth respondent shall also be heard.



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WEB COPY This Writ Petition is disposed of, with above directions. No costs.

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C.SARAVANAN, J.

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