



W.P(MD)No.20120 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.20120 of 2024

and

W.M.P.(MD)Nos.17078 & 17079 of 2024

S.Pandi

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 3.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.
- 4.The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.
- 5.The Deputy Superintendent of Police,
Sivagangai Sub Division, Sivagangai District.
- 6.The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
- 7.R.Thangam
- 8.Veeraiah

... 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 Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.A4/4225/2024, dated 17.08.2024 and quash the same and consequently, to direct the respondents 1 to 6 to permit the petitioner to carry Karagam during Sri Muthumariamman Temple Mulaikottu Festival situated at South Valasaikadu, Salaigramam Post, Ilayangudi Taluk, Sivagangai District scheduled to be held from 20.08.2024 to 28.08.2024.

For Petitioner : Mr.A.Karthik

For R1, R3 & R4 : Mr.A.Kannan

Additional Government Pleader

For R2, R5 & R6 : Mr.M.Vaikkam Karunanithi,

Government Advocate (Crl.Side)

For R7 & R8 : Mr.T.Ponramkumar

ORDER

Challenge has been made to the impugned order passed by the 3rd respondent dated 17.08.2024.

2.It is the case of the petitioner that during Mulaikottu festival in Sri Muthumariamman Temple situated at South Valasaikadu, Salaigramam Post, Ilayangudi Taluk, Sivagangai District, the petitioner's family has been taking Karagam from time immemorial. In this regard, since there is a dispute



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between the petitioner and the respondents 7 and 8, the petitioner filed a suit in O.S.No.40 of 2020 on the file of the District Munsif Court, Ilayangudi, which was dismissed on 23.12.2022. Against which, the petitioner filed A.S.No.1 of 2023 before the Sub Court, Manamadurai and the same is still pending.

3.It is the grievance of the petitioner that the respondents 7 and 8 conducted the temple festival in the year 2023 without collecting Thalaikattu Vari from the petitioner and his family members and they conducted Kumbabisheham without receiving Kudi Vari from the petitioner's family members. In such circumstances, the 8th respondent sent a representation to the official respondents to permit him to conduct temple festival. Pursuant to which, the 3rd respondent sent a summon to the petitioner, stating that the peace committee meeting is scheduled to be held on 17.08.2024. Therefore, the petitioner sent a representation dated 12.08.2024 to the respondents 1 to 3 to intervene in this matter.

4.However, without considering the representation submitted by the petitioner, the 3rd respondent, in the peace committee meeting conducted on 17.08.2024, passed an order, stating that the festival may be conducted by separately by 'A' party and 'B' party on their convenient dates, after getting prior



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permission from the police; This decision shall be in force for the upcoming years until any order is obtained from the Court of law; and further, the preference regarding the festival days shall be given to a party, those who have made representation at first. Therefore, challenging the same, the petitioner has filed this Writ Petition.

5.Heard the learned counsel on either side and perused the materials available on record.

6.A perusal of the affidavit filed in support of this petition shows that the petitioner has already filed Writ Petition in W.P.(MD)No.22004 of 2023, which was dismissed by this Court on the ground that the suit in O.S.No.40 of 2020 filed by the petitioner was dismissed, where the civil Court has not granted any right to take Karagam and the appeal filed by the petitioner in A.S.No.1 of 2023 on the file of the Sub Court, Manamadurai is still pending. Now, once again, the petitioner has come before this Court for the very same relief in a different manner, challenging the peace committee meeting.

7.In such view of the matter, I do not find any merits in this Writ Petition. Therefore, this Writ Petition is dismissed. It is for the petitioner to



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establish the customary right before the appropriate civil Court. No costs.

Consequently, connected miscellaneous petitions are closed.

27.08.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

- 1.The District Collector,
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- 2.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 3.The Revenue Divisional Officer,
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N.SATHISH KUMAR, J

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