



W.P(MD)No.20498 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD)No.20498 of 2024
and
W.M.P(MD)No.17395 of 2024

V.Mani Poosari

... Petitioner

Vs.

- 1.The District Collector,
Dindigul.
- 2.The Tahsildhar,
Athur Taluk,
Dindigul District.
- 3.The Joint Commissioner,
HR and CE Department,
Dindigul.
- 4.The Inspector,
HR and CE Department,
Nilakottai Range,
Dindigul District.
- 5.The Executive Officer,
Peria Muthalmman Temple,
Ayyampalayam,
Dindigul District.



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6.The Superintendent of Police,
Dindigul District.

7.The Inspector of Police,
Pattiveeranpatti Police,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to ensure the proper and peaceful functioning of the religious practice of petitioner carrying the ritual box during the festivals of Arulmighu Vanadevadhai Thirukovil, Arulmighu Akkammal Thirukovil, Arulmighu Sadayandi Thirukovil and Arulmighu Periya Muthalamman Thirukovil, Ayyampalayam, Athur Taluk, Dindigul District during the month of August and September 2024 till the disposal of O.A.No.30 of 2023 on the file of the third respondent herein and pass such further or other orders as this Court.

For Petitioner : Mr.V.R.Shanmuganathan

For R-1 to R-5 : Mr.K.S.Selvaganesan
Additional Government Pleader

For R-6 & R-7 : Mr.M.Vaikkam Karunanithi
Government Advocate

ORDER

The present writ petition is filed praying for a Mandamus, directing the respondents herein to ensure peaceful functioning of the religious practice of petitioner carrying the ritual box during the festivals of Arulmighu



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Vanadevadhai Thirukovil, Arulmighu Akkammal Thirukovil, Arulmighu Sadayandi Thirukovil and Arulmighu Periya Muthalamman Thirukovil, Ayyampalayam, Athur Taluk, Dindigul District during the month of August and September 2024 till the disposal of O.A.No.30 of 2023 on the file of the third respondent herein.

2. It is submitted by the learned Counsel for the petitioner that earlier a writ petition in W.P(MD)No.17775 of 2022 was filed, wherein, while dealing with a similar situation, this Court was pleased to permit the petitioner to continue to carry the ritual box during the Temple festival for the said year as well. This Court was also pleased to grant liberty to the petitioner to submit a petition before the authorities under Section 63(e) of HR and CE Act, for framing the Scheme.

3. The relevant portion of the orders of this Court is extracted hereunder:

"2. The petitioner was doing the ritual of carrying the ritual box right from 2013 onwards, but a rival claim was put forth by the certain people in the Village in the year 2018. Hence, there was a Peace Committee meeting and it was decided that the petitioner shall carry the said ritual box. When the function ought to be conducted for this year, the petitioner



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was not allowed, since the FIR is filed against the petitioner. Even in the FIR it has been stated that the petitioner has felled certain trees in order to clean the place.

3. Therefore, this Court is of the considered opinion that the petitioner shall continue the said ritual this year also. However, in the meanwhile, the petitioner may submit a petition before the authorities under Section 63(e) of HR and CE Act, for framing the scheme. On receipt of the petition the 3rd respondent shall consider the same and formulate the scheme at the earliest. The respondents shall take appropriate steps to conduct the festival peacefully and exercise their power diligently."

4. Pursuant to the above orders of this Court, the petitioner had filed an application under Section 63(e) of HR and CE Act in July 2023 and the same has also been numbered as O.A.No.30 of 2023. It is submitted that the same is still pending consideration before the Joint Commissioner.

5. The learned Additional Government Pleader appearing for the third respondent would submit that the Joint Commissioner would dispose of the above application within a period of two weeks from today, after hearing all the parties interested. It was also submitted that the petitioner and the other



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interested parties must co-operate to ensure that the OA is disposed of within the above time line.

6. In view thereof, the second respondent is directed to put the petitioner and other interested parties on notice. The petitioner shall appear before the third respondent on **04.09.2024** and put-forth their case. The respondent shall thereafter proceed and dispose of the application within a period of two weeks.

7. The writ petition stands disposed of with the above direction. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

29.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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MOHAMMED SHAFFIQ, J.

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