



W.P.(MD)No.22654 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 25.09.2024

DELIVERED ON : 27.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.22654 of 2024

M.Govindaraj

... Petitioner

Vs.

The Sub Inspector of Police,
Paralachi Police Station,
Aruppukkottai Taluk,
Virudhunagar District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the respondent herein to provide adequate protection to the Rajakambala Naicker community people for conducting Purattasi Festival in connection with the Pattatharasi Amman Temple and Ayyanar Temple situated in Thoppulakkarai Village on 30.09.2024 to 02.10.2024.

For Petitioner : Mr.D.Sivaraman

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

: Mr.A.Balaji
for Intervenor



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ORDER

The Writ Petition is filed seeking a direction to the respondent to provide adequate protection to the Rajakambala Naicker community people for conducting Purattasi Festival in connection with the Pattatharasi Amman Temple and Ayyanar Temple situated in Thoppulakkarai Village on 30.09.2024 to 02.10.2024.

2. Heard the learned Counsel for the petitioner, the learned Additional Public Prosecutor appearing for the respondent and Mr.A.Balaji, learned Counsel for the intervenor, who is appearing for M.Durairaj.

3. It is not in dispute that there are three temples namely (1) Veera Jakkammal @ Sri Pattaththarasi Amman Temple, (2) Sri Renga Naachi Amman @ Irangu Muthamman Temple, (2) Ayyanar Temple in Thoppalakkarai Village, Aruppukottai Taluk, Virudhunagar District. It is also not in dispute that Veeja Jakkammal @ Sri Pattaththarasi Amman Temple belongs to Kambala Nayakkar Community people of Thoppalakkarai Village. According to the intervenor, Sri Renga Naachi Amman @ Irangu Muthamman Temple belongs to six community namely Maravar, Agamudaiyar, Vellalar, Aasari, Iyengar and Pandaram community people. Now we are not concerned with the ownership or the management of the temples.

4. The learned Counsel for the intervenor who is representing the other



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communities would submit that since Sri Pattaththarasi Amman Koil belongs to Kambala Nayakkar community, they have absolutely no objection for conducting Purattasi festival by the petitioner community in the said temple, but at the same time, they have no right to perform some rituals attached to the festival in Irangu Muthamman Temple.

5. The learned Additional Public Prosecutor would also submit that they are ready to give permission for the petitioner community people to conduct festival in their temple ie., Sri Pattaththarasi Amman temple, but they cannot be allowed to perform part of the festival in Irangu Muthamman Temple, as there is every possibility of law and order issue and that in the previous year, there arose some disputes and a case under Section 307 I.P.C., came to be registered.

6. The learned Counsel for the petitioner would submit that the petitioner community people have been performing some rituals related to their festival in Irangu Muthamman Temple for several years, that dispute arose in the year 2018 and that as per the directions of this Court, they have been performing the festival except for the Covid pandemic years 2020 and 2021.

7. No doubt, as rightly pointed out by the learned Counsel for the petitioner, in the representation given to the police authorities on 11.09.2024, they have mentioned about the rituals to be performed in Sri Irangu Muthamman Temple on 01.10.2024



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and 02.10.2024. But as rightly pointed out by the learned Additional Public Prosecutor, the petitioner in the affidavit filed in support of the writ petition, has nowhere whispered about the rituals to be performed in Sri Irangu Muthamman Temple and the permission sought therefor and even in the prayer, they have sought for adequate police protection to the Rajakambala Nayakkar community people for conducting Purattasi festival in connection with Sri Pattaththarasi Amman temple and Ayyanar Temple at Thoppalakkarai Village from 30.09.2024 to 02.10.2024 and absolutely there was no reference to Sri Irangu Muthamman Temple.

8. No doubt, it is evident from the records that one Solaiappan claiming to be the Treasurer of Sri Irangu Muthamman Temple has filed a suit against five persons belonging to the petitioner community claiming the reliefs of declaration and permanent injunction in O.S.No.113 of 2018 and that at the instance of the defendants therein, the plaint came to be rejected. It is evident from the records and the submission made on either side that the petitioner community people are celebrating Purattasi festival in Sri Pattaththarasi Amman Temple and whereas the other community people are celebrating Aadi festival in Sri Irangu Muthamman Temple.

9. It is pertinent to note that during the festival of both temples, the other side used to raise objections and both sides have been filing the writ petitions before this



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Court at the time of festival and it has become routine practice for either side to intervene and raise objections. It is also not in dispute that when the other community people have decided to celebrate Aadi festival in Sri Irangu Muthamman Temple, since the petitioner community had raised objections, the other side has filed a writ petition and at that time, the petitioner community had intervened and raised objections and this Court, directing the petitioner therein to approach the police and file an application afresh seeking for granting permission, taking into confidence of the seven Naicker community people and others and on filing of such application, the respondents Police were directed to dispose of the same and grant permission in case of if all the seven groups have been participating in the proposed festival.

10. It is also not in dispute that last year, a peace committee meeting came to be convened by the Revenue Divisional Officer and at the meeting, they have passed a resolution that in the Aadi festival in Sri Irangu Muthamman Temple, Nayakkar community people can very well participate and worship similarly in the Purattasi festival in Sri Pattaththarasi Ammen Temple, the other community people can participate and offer their prayers.

11. As rightly pointed out by the learned Additional Public Prosecutor, even in the earlier writ petitions filed by the petitioner, there was no reference to the rituals



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performed in Sri Irangu Muthamman Temple at the time of Purattasi festival. The petitioner has not produced any iota of materials to show that the rituals referred now came to be performed in Sri Irangu Muthamman Temple for several years.

12. Considering the above facts and circumstances and also taking note of the fact that the petitioner community have neither referred the rituals to be performed in Sri Irangu Muthamman Temple during Purattasi festival nor obtained permission therefor in the previous years and taking note of the objections raised by the respondent police, this Court is not inclined to grant permission for conducting part of the festival in Sri Irangu Muthamman Temple. But at the same time, the respondent police are directed to give permission to the petitioner to conduct Purattasi festival in Sri Pattaththarasi Amman Temple and Ayyanar Temple by considering their representation on or before 28.09.2024 and by imposing necessary conditions.

13. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (C.S.II)

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03/10/2024

Sub Assistant Registrar
(CS - I, II, III, IV)

SSL

To

1.The Sub Inspector of Police,
Paralachi Police Station,
Aruppukkottai Taluk,
Virudhunagar District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-54683[F] dated 27/09/2024)

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27.09.2024

SL(03.10.2024)/ 7P/ 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.