



W.P.(MD)No.27106 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.27106 of 2024

and

W.M.P.(MD)Nos.23009 and 23010 of 2024

Adaikkappan

...Petitioner

Vs

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Assistant Commissioner,
HR and CE Department,
Pudukkottai.
- 3.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.
- 4.The Executive Officer,
Arulmigu Muthumariyamman Thirukkovil,
Konnaiyur,
Ponnmaravathi Taluk,
Pudukkottai District.
- 5.The Deputy Superintendent of Police,
Ponnamaravathy,
Pudukkottai District.



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6.The Tahsildhar,
Ponnamaravathy Taluk,
Pudukkottai 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 second respondent to ensure the regular practice that are adopted in the Arulmigu Sri Adaikkalangaathaar Ayyanar Swamy Temple, Pon Valayapatti during the Kumbhabhishekham scheduled to be held on 14.11.2024 in strict adherence to the order dated 12.09.2024 in W.P.(MD)Nos.21816 and 21840 of 2024 and consequential order dated 25.10.2024 in W.P.(MD)No.25964 of 2024 passed by this Court by considering the petitioner's representation dated 11.11.2024, within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Ramanujam
For M/s.Gandhi Associates

For R-1, R-2 : Mr.P.Subbaraj
and R-6 Special Government Pleader

For R-3 & R-5 : Ms.M.Asha
Government Advocate
(Criminal Side)

For R-4 : Mr.G.Mathavan



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ORDER

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Heard Mr.R.Ramanujam for M/s.Gandhi Associates, learned counsel for the petitioner, Mr.P.Subbaraj, learned Special Government Pleader, for the respondents 1, 2 and 6 and Ms.M.Asha, learned Government Advocate (Criminal Side), for the respondents 3 and 5 and Mr.G.Mathavan, learned counsel for the fourth respondent.

2. This Writ Petition has been filed praying for a Mandamus, directing the second respondent to ensure that the regular practices that was adopted in the prayer mentioned temple during the Kumbhabhishekham scheduled to be held on 14.11.2024 in strict adherence to the orders passed by this Court in W.P.(MD)Nos.21816 and 21840 of 2024 dated 12.09.2024 and consequential order passed by this Court in W.P.(MD)No.25964 of 2024 dated 25.10.2024, by considering the petitioner's representation dated 11.11.2024.

3. Further prayer in the Writ Petition had also been made seeking for interim injunction restraining the respondents from excluding the petitioner or other poosaris and saamiyadis from performing their



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respective regular practices for the said temple during the Kumbhabhishekham.

4. The prayer in the earlier Writ Petitions for the same issue with regard to the very same temple dealt with by the Division Bench of this Court is as follows:

“Prayer in WP(MD). 21816/ 2024: Writ Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Mandamus directing the respondents 1 to 4 herein to ensure peaceful performance of Kumbhabisekam on 15.09.2024 or on any other date and in strict adherence to the Sampradhaya and other religion practices which are being followed at Arulmighu Adaikalam Kaatha Ayyanar Temple, Pon Valayapatti Village in Ponnamaravathy Taluk, Pudukottai District.

Prayer in WP(MD). 21840/ 2024: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent herein to ensure peaceful performance of Kumbhabisekam in strict adherence to the Sampradhaya and the Religious practice that is being followed in the temple Arulmighu Adaikalam



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Kaatha Ayyanar Temple, Pon Valayapatti Village in Ponnamaravathy Taluk, Pudukottai District scheduled to be held on 15.09.2024 or otherwise.”

5. After considering the claim made by the petitioners therein in the said Writ Petitions, the Division Bench of this Court vide order dated 12.09.2024, based upon a resolution of a Peace Committee Meeting held on 11.09.2024, had directed the Tahsildar, Ponamaravathy to ensure the groups are equally represented in the Committee by noting that in the Peace Committee Meeting dated 11.09.2024, there has been some exclusion of certain parties. Further direction has also been given that regular practices should be adopted in the temple without any change.

6. A further Writ Petition in W.P.(MD)No.25964 of 2024 had also been dealt with by the very same bench and by order dated 25.10.2024, the Division Bench of this Court, recording displeasure in conducting the consecutive Peace Committee Meeting by the Revenue Department and had directed the second respondent herein to take over the temple and conduct the Kumbabhishegam of the temple on 14.11.2024.



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7. It is the case of the petitioner that now the Kumbabhishegam is being conducted by the fourth respondent and not the second respondent as directed by this Court.

8. The learned Special Government Pleader appearing for the respondents 1, 2 and 6, would submit that after the temple was taken over by the second respondent, the second respondent had appointed an Executive Officer for the temple, who is the fourth respondent herein and had vested the powers with him for conducting the Kumbabhishegam and that the said Kumbabhishegam, even though is conducted by the fourth respondent, is being supervised by the second respondent.

9. From reading of the earlier orders passed by this Court, this Court had clearly indicated that the groups should be equally represented in the Committee for conducting Kumbabhishegam and that the regular practices are to be adopted in the temple without any change. The prayer in the present Writ Petition is to conduct Kumbabhishegam on 14.11.2024 by ensuring the regular practices. When the relief that is sought for in the Writ Petition had already been granted in the earlier



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Writ Petitions, the present Writ Petition is nothing, but an abuse process of law. If the petitioner's right as Poosari has been denied during the conduct of Kumbabhishegam, then the same would be in violation of the order passed by this Court and the petitioner ought to have approached the Division Bench of this Court, by taking out appropriate proceedings for violation of the said order and cannot file a Writ Petition.

10. In such event, I do not find any merits and accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

13.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

Note: Issue Order Copy on 13.11.2024.



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K.KUMARESH BABU, J.

Nsr

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