



W.P.(MD).No.27983 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.27983 of 2024

and

W.M.P.(MD)Nos.23741 and 23742 of 2024

Karuppaiah

...Petitioner

Vs

1.The Commissioner of HR & CE,
HR & CE Office,
Chennai – 600 034.

2.The Joint Commissioner,
HR & CE Office,
Thanjavur & District.

3.The Assistant Commissioner,
HR & CE Office,
Pudukkottai & District.

4.A.K.Muthumanickam

5.K.Muniyandi

... Respondents

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 order of the second respondent in



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his proceedings in Se.Mu.Na.Ka.No.12855/2024/A1 dated 20.09.2024 and quash the same as illegal and consequently direct the respondents 1 to 3 to pass appropriate order to laying the paver block road outside of the temple compound exclude the place northern side and western side which are the place of worshipping of Common Pandigai and Mattu Pongal in the outside of the temple compound in Arulmighu Aathi Kesava Perumal situate in S.F.No.276/12 with an extent of 1.65 ares of Manamelkudi Revenue Village and Manamelkudi Panchayat Union, Pudukkottai District.

For Petitioner : Mr.K.Baalasundharam,
Senior Counsel
For M/s.KBS Law Office

For R-1 to R-3 : Mr.P.Subbaraj
Special Government Pleader

For R-5 : Mr.K.Suresh

ORDER

Heard Mr.K.Baalasundharam, learned Senior Counsel for M/s.KBS Law Office, appearing for the petitioner, Mr.P.Subbaraj, learned Special Government Pleader for the respondents 1 to 3 and Mr.K.Suresh, learned counsel for the 5th respondent.



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2. This Writ Petition has been filed for Certiorarified Mandamus, challenging the order of the second respondent dated 20.09.2024, permitting the laying of paver block road outside the temple compound by excluding certain portions on the northern side and western side which have been used for worshipping Common Pandigai and Mattu Pongal during the tamil months of Thai and Maasi.

3. It is to be noted that subsequent to the order impugned herein, the third respondent had also passed a consequential order on 07.10.2024 which has been subject matter of challenge in W.P.(MD)No.25297 of 2024 and after hearing the parties, this Court vide order dated 07.11.2024, had permitted laying of paver block road to be completed within a period of two weeks. It is the case of the petitioner that if the paver block roads are laid, the traditional festival that had been carried immemorial could be interdicted.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that there are other available areas adjacent to the paver blocks and in that place the festival can be



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conducted. A suggestion has also been putforth that during the said festival, the paver blocks can be safely removed and replaced.

5. In view of the limited relief proposed to be granted by this Court, notice to the fourth respondent is dispensed with.

6. Considering the submissions made on either side, I am of the view that the third respondent herein shall make necessary arrangements for the smooth conduct of the Common Pandigai and Maatu Pongal conducted during the tamil month of Thai and Maasi.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

22.11.2024

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



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K.KUMARESH BABU, J.

Nsr

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