



W.P. No.25992 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

W.P. No.25992 of 2023 and
W.M.P. Nos.25414, 25415 and 25418 of 2023

D.Jayakumar (Priest)

... Petitioner

Vs.

1. The Sub Divisional Magistrate-Cum-
The Revenue Divisional Officer
Master Plan Complex
Collectorate
Villupuram - 605 602

2. The Inspector of Police
B5, Valavanur Police Station
Puducherry-Villupuram Road
Valavanur
Villupuram - 605 108

3. Kanimozhi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, call for the records in connection with 1st respondent proceedings made in Na.Ka.A1/1211/2023 dated 07.06.2023 and quash the same and consequently allow the petitioner to perform the three Kalam Poojas in Draupathiamman Temple, Melpathi Village, Villupuram Taluk and District.

For Petitioner : Mr.M.Muthappan

For Respondents 1 and 2 : Mr.K.M.D.Muhilan

Additional Public Prosecutor



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ORDER

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This Writ Petition has been filed to quash the proceedings of the first respondent/the Sub Divisional Magistrate-Cum-the Revenue Divisional Officer made in Na.Ka.A1/1211/2023 dated 07.06.2023 and consequently allow the petitioner to perform the three Kalam Poojas in Draupathiamman Temple, Melpathi Village, Villupuram Taluk and District.

2. Heard and perused the materials available on record.

3. It is seen that there was a dispute between two parties with regard to entering in to the Draupathiamman Temple and therefore, the impugned restraining order dated 07.06.2023 came to be passed by the Sub Divisional Magistrate-Cum-the Revenue Divisional Officer under Section 145 of Cr.P.C. directing both the parties not to enter into the said temple. The said order is the subject matter of Writ Petition in W.P.Nos.19128 and 21769 of 2023 in which, this Court by order dated 20.02.2025 has already quashed the said proceedings. The relevant portion of the said order is extracted hereunder:

13. Thus, it is clear that the object of our Constitution is elimination of castes and not their perpetuation. Our Constitution's goal is to establish a casteless and classless society. While this is so, not permitting the particular community people to enter the Temple is nothing but discrimination among the Hindus, and it is against our constitutional goal. Therefore, when there is a



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dispute between two communities while conducting daily Poojas and festivals at the Temple, it is the duty of the State to maintain law and order if there is any communal clash during the festivals. For the said reasons, the Temple cannot be shut down, since it involves the sentiment/beliefs of the general public.

14. In this regard, the Hon'ble Supreme Court of India in the case of Padma Baraik vs Union of India (W.P (Civil) No.1195 of 2021, order dated 13.12.2021) while dealing with the issue of fundamental rights of the citizens of the country to live peacefully in a society free from crime, held that there can be no doubt that the State is under a duty to take requisite steps to protect the environment, save nature and natural resources, prevent and punish crime, and ensure that the right of citizens to live with dignity is not violated. These being the inherent duties, such duties necessarily have to be complied with. No specific order is required by the Court. Therefore, it is the duty of the state to protect the general public from any law and order issue.

15. Further, the Temple is situated at Melpathi Village, Villupuram Taluk and District, comprised in R.S.No.65/2, measuring an extent of 0.1952 sq.mts., and R.S.No.65/3, measuring an extent of 0.0737 sq.mts., (total 0.2689 sq.mts., and it is classified as Natham Government Poramboke. Therefore, no one can claim ownership of the Temple. As directed by the interim order passed by this Court, the services of a Pujari are now being utilized to perform daily Poojas for the Temple.

16. In view of the above, the order impugned cannot be sustained and is liable to be quashed. Accordingly, the impugned order in Na.Ka.A1/1211/2023, dated 07.06.2023, is hereby quashed. The third and fourth respondents are directed to permit all general public, irrespective of their community, to worship the deity of the Temple. If any law and order issue arises between any community people, the second respondent is directed to take stringent action against the person who committed the offence, in accordance with law.



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4. In such view of the matter, no further order is required.

However, the respondent police shall ensure that the order of this Court dated 20.02.2025 passed in W.P.Nos.19128 and 21769 of 2023, is properly carried out.

5. With the above directions, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed. There shall be no order as to costs.

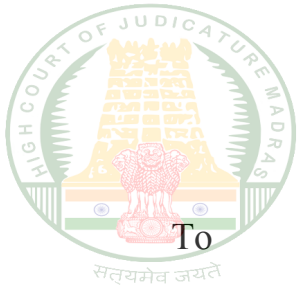
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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No



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To

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