



W.P.(MD) Nos.2701 & 3408 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD) Nos.2701 & 3408 of 2025

and

W.M.P.(MD) No.2418 / 2025

In W.P.(MD)No.2701 of 2025:

G.Balamurugesan

... Petitioner

vs.

1.The District Collector,
Collectorate,
Virudhunagar.

2.The Superintendent of Police,
O/o. the Superintend of Police,
Virudhunagar.

3.The District Revenue Officer,
The District Revenue Office,
Virudhunagar.

4.The Revenue Divisional Officer,
Virudhunagar.

5.The Deputy Superintendent of Police,
Srivilliputhur,
Virudhunagar.



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6.The Inspector of Police,
Vanniyampatti Police Station,
Vanniyampatti,
Srivilliputhur Taluk,
Virudhunagar.

7.G.Ravichandran

8.P.Sarangapani

9.Selvam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 6 to grant permission to the petitioner to conduct the Kumbabisekam festival at Sri Athinarayanaswamy Thriukovil, Padikaasuvaithaanpatti Village, Vaithiyalingapuram, Srivilliputhur Taluk, Virudhunagar with adequate police protection.

For petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate (Civil Side)
for R1, R3 & R4
Mr.R.M.Anbunithi
Additional Public Prosecutor for
R2, R5 & R6

In W.P.(MD)No.3408 of 2025:

Murugan

... Petitioner

vs.

1.The District Collector,
Virudhunagar.



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2.The Tahsildar
Srivilliputhur,
Virudhunagar.

3.The Executive Officer,
Arulmigu Vaithiyanathaswamy Temple,
Madavar Valagam Srivilliputhur,
Virudhunagar.

4.The Inspector of Police,
Vanniyampatti Police,
Virudhunagar.

5.Palsamy

6.Balamurugesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No.A1/210/2025 dated 01.02.2025 and quash the same as illegal ad arbitrary and consequently, to direct the second respondent to perform the Kumbabisekam and other related activities of the Temple in accordance with law of the Arulmigu Athinarayanaswamy Thriukovil, Padikaasuvaithaanpatti Village, Srivilliputhur Taluk, Virudhunagar.

For petitioner : Mr.M.Beema Rao

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate (Civil Side)
for R1 & R2
Mr.P.Mahendran for R3
Mr.R.M.Anbunithi
Additional Public Prosecutor for R4
Mr.T.Aswin Raja Simman for
R5 & R6



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COMMON ORDER

With consent of both parties, these petitions are taken up for disposal at the time of admission itself.

2. The petition in W.P.(MD)No.3408 of 2025 has been filed by the petitioner to quash the proceeding passed by the second respondent in Na.Ka.No.A1/210/2025 dated 01.02.2025.

3. The petition in W.P.(MD)No.2701 of 2025 has been filed to direct the respondents 1 to 6 to grant permission to the petitioner to conduct the Kumbabisekam festival at Sri Athinarayanaswamy Thriukovil, Padikaasuvaithaanpatti Village, Vaithiyalingapuram, Srivilliputhur Taluk, Virudhunagar with adequate police protection.

4. In W.P.(MD)No.3408 of 2025, Mr.M.Senthil Ayyanar, the learned Government Advocate (Civil Side), takes notice for the respondents 1 & 2, Mr.P.Mahendran, learned counsel, takes notice for the third respondent, Mr.R.M.Anbunithi, learned Additional Public



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Prosecutor, takes notice for the fourth respondent and Mr.T.Aswin Raja

Simman, learned counsel takes notice for the respondents 5 and 6.

5. In W.P.(MD)No.2701 of 2025, Mr.M.Senthil Ayyanar, the learned Government Advocate (Civil Side) takes notice for the respondents 1, 3 and 4, Mr.R.M.Anbunithi, the learned Additional Public Prosecutor takes notice for the respondents 2, 5 and 6.

6. For the sake of convenience, the parties are referred to as per the ranking in W.P.(MD)No.3408 of 2025.

7. The learned counsel appearing for the petitioner would submit that the temple, namely, Arulmigu Athinarayanaswamy Thriukovil, Padikaasuvaithaanpatti Village, Srivilliputhur Taluk, Virudhunagar, belongs to Veerakodivali vellalar Samuthayam Ezhur and the temple was maintained by their predecessors from time immemorial. In the year 1934, the petitioner's ancestors purchased the land adjacent to the temple, through a registered sale deed. The petitioner was selected as Honorary President. While so, the Peace Committee members decided to take lease of the third respondent land.



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8. He would further submit that in the meantime, the former poosari of the temple made trouble to the Committee members. Thereafter, the present poosari Madhavan was selected to render poojas. Now, the Peace Committee has taken a decision to celebrate consecration/Kumbabisekam to the temple on 10.02.2025. While so, the respondents 5 and 6 attempted to create problem in the aforesaid temple. Therefore, the Committee members have given representation to the fourth respondent police on 21.01.2025 to give police protection for consecration/Kumbabisekam.

9. He would further submit that the second respondent issued a summon to the petitioner in Na.Ka.No.A1/210/2025 dated 25.01.2025 for Peace Committee meeting, since the petitioner is lessee of the abovesaid temple. Further, the second respondent conducted Peace Committee meeting on 01.02.2025 and the respondents 5 and 6 were also participated in the meeting. In that meeting, the officials stated that no permission is granted to perform consecration/Kumbabisekam for both sides. Therefore, the order is now under challenge.

10. The learned Government Advocate (Civil Side) for the



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respondents 1 and 2 would submit that the dispute between the parties in respect of the temple is that both parties are claiming title of the temple.

However, they fixed the date for consecration/Kumbabisekam on 10.02.2025. Therefore, convened the Peace Committee meeting, however, no amicable settlement was arrived at. Therefore, the parties are not permitted to conduct consecration/Kumbabisekam through order dated 25.01.2025. Therefore, these petitions are liable to be dismissed.

11. The learned counsel appearing for the third respondent would submit that the said property belongs to Arulmigu Vaithiyanathaswamy Temple, Madavar Valagam, Srivilliputhur and the third respondent is the Executive Officer. However, the petitioner constructed the Arulmigu Athinarayanaswamy Temple in the third respondent's property. Therefore, he strongly opposed to allow this petition.

12. The learned Additional Public Prosecutor for the fourth respondent would submit that there is a rival claim between the parties. If the Kumbabisekam is conducted, it will create law and order problem. Therefore, he also strongly opposed this petition.



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13. The learned counsel for the respondents 5 and 6/private respondents would submit that these respondents are also want to conduct the Kumbabisekam, but, the petitioner did not cooperate to conduct the Kumbabisekam. Thereby, the Peace Committee meeting was conducted and it was failed. The sixth respondent also filed separate petition in W.P. (MD)No.2701 of 2025, which is pending before this Court and same is now tagged with W.P.(MD)No.3408 of 2025. These respondents are ready to cooperate with the petitioner for conducting Kumbabisekam. But, the petitioner is not ready for cooperation and already poojas were conducted by the fifth respondent/Palsamy.

14. This Court heard both sides and perused the records.

15. In this case, it is an admitted fact that both the parties decided to conduct Kumbabisekam on 10.02.2025. Thereafter, some misunderstanding between the parties has been raised claiming rights of the temple and they filed these Writ Petitions for the same prayer.

16. Since already the date for Kumbabisekam was fixed on 10.02.2025, without going into the merits of the case and without



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affecting the rights of the both parties in respect of the title of the temple, in order to avoid further complications, this Court is of the view that the Kumbabisekam can be conducted by the third respondent/Executive Officer by appointing poosari on his own choice. Both the parties are directed to cooperate with the third respondent/Executive Officer for conducting Kumbabisekam and also ensure not to create any law and order problem. If necessary, the fourth respondent police is also directed give adequate protection to the Kumbabisekam and ensure the safety of the public, who are participating in the Kumbabisekam.

17. With the above observations, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

Note: Issue on 07.02.2025.

To

1.The District Collector,
Collectorate,
Virudhunagar.



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2.The Superintendent of Police,
O/o. the Superintend of Police,
Virudhunagar.

3.The District Revenue Officer,
The District Revenue Office,
Virudhunagar.

4.The Revenue Divisional Officer,
Virudhunagar.

5.The Deputy Superintendent of Police,
Srivilliputhur,
Virudhunagar.

6.The Inspector of Police,
Vanniyampatti Police Station,
Vanniyampatti,
Srivilliputhur Taluk,
Virudhunagar.

7.The Tahsildar
Srivilliputhur,
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8.The Executive Officer,
Arulmigu Vaithiyanathaswamy Temple,
Madavar Valagam Srivilliputhur,
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P.DHANABAL,J

apd

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