



W.P.(MD).No.3798 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P.(MD).No.3798 of 2025

A.Mariappan

.. Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City
Tirunelveli.

2.The Inspector of Police,
Pettai Police Station,
Pettai, Tirunelveli City.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the Respondent No.2 to give permission and protection for Sivarathiri Poojas at Arulmigu Kombhu Madasamy Temple, situated at Pettai, Tirunelveli City that scheduled to be held on 26.02.2025 and 27.02.2025 based on the representations dated 26.01.2025 and 30.01.2025.



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For Petitioner : Mr.Aayiram.K.Selvakumar
Advocate

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Criminal Side)

ORDER

This Writ Petition has been filed to direct the Respondent No.2 to give permission and protection for Sivarathiri Poojas at Arulmigu Kombhu Madasamy Temple, situated at Pettai, Tirunelveli City that scheduled to be held on 26.02.2025 and 27.02.2025 based on the representations of the Petitioner dated 26.01.2025 and 30.01.2025.

2. The Learned Counsel for the Petitioner, would submit that the Petitioner is the President of the Arulmigu Kombhu Madasamy Temple, situated at Pettai, Tirunelveli City and the said Temple belongs to Four Street People and they used to conduct festival from the time immemorial. While so, one Mr.Kali, who was the then President of the Committee claimed right of administration of the Temple.



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3. The Petitioner periodically performed Sivarathiri Poojas from the time immemorial, this year also, they decided to conduct Sivarathiri Poojas to be held on 26.02.2025 and 27.02.2025 for which they sought for permission and Police protection before the Respondent No.2, in person and then they have sent representations dated 26.01.2025 and 30.01.2025 through registered post. Thereafter, no action was taken by the Respondents, therefore, they filed this Writ Petition to consider the representations and to pass further orders.

4. The Learned Additional Public Prosecutor appearing for the Respondents would submit that there are two rival groups claiming administration of the temple properties, one is by this Petitioner and another one is one Thiagarajan who has also sought for permission to conduct Poojas on the eve of Mahasivarathiri. Therefore, there is a chance for law and order situation.

5. This Court has considered the rival submissions advanced by the Learned Counsel for the Petitioner and the Learned Additional Public Prosecutor for the respondents and perused all the materials available on



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record.
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6. According to the Petitioner, he along with other people decided to conduct Sivarathiri Festival on 26.02.2025 and 27.02.2025, for that he sought permission from the Respondent No.2 and thereafter sent representations dated 26.01.2025 and 30.01.2025, but those representations have not been considered by the Respondents.

7. According to the Respondent No.2, one Thiagarajan also claiming a right over the property and also he want to conduct Festival on the same day. However, the Petitioner is not impleaded, the said Thiagarajan as one of the Party in this Writ Petition. It is an admitted fact that the Petitioner had sent representations dated 26.01.2025 and 30.01.2025 but the same were not considered by the Respondent No.2. If any dispute between the Parties with regard to Administration of Temple they can seek remedy through Civil Court. Now the issue is in respect of conducting Poojas on account of Sivarathiri. Therefore, this Court directs the Respondent No.2 to consider the representations of the Petitioner dated 26.01.2025 and 30.01.2025 and dispose of the same within one (1)



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week from the date of this order. If any rival claims made by the Parties then the Respondent No.2 can decide in respect of the allotment of time slot to the Parties.

8. With the above said directions and observations, this Writ Petition stands disposed of. No costs.

13.02.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

nst

Note:- Registry is directed to issue order copy on 14.02.2025.



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To

1.The Commissioner of Police,
Tirunelveli City
Tirunelveli.

2.The Inspector of Police,
Pettai Police Station,
Pettai, Tirunelveli City.



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P.DHANABAL, J.

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