



W.P.(MD).No.5145 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.02.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.5145 of 2025
and
W.M.P.(MD).Nos.3754 and 3756 of 2025

Nayagam

.. Petitioner

Vs.

- 1.The District Collector,
Tenkasi,
Tenkasi District.
- 2.The Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.
- 3.The Tahsildar,
Thiruvengadam Taluk,
Tenkasi District.
- 4.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thoothukudi.
- 5.The Inspector,
Hindu Religious and Charitable Endowments Department,
Thoothukudi.
- 6.The Inspector of Police,
Thiruvengadam Police Station,
Tenkasi District.
- 7.Govindaraj



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8.Antony

9.Subburaj

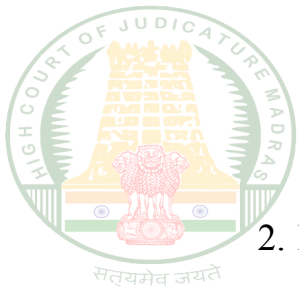
.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.A1/01/2022 dated 21.02.2025 of the 2nd respondent and quash the same and ensure the peaceful worship of the Devendrakula Vellalar Community people in the A/m.Angala Eswari Amman Temple, situated at Thiruvengadam Village in Tenkasi District, Sivarathiri festival scheduled on 24.02.2025 to 28.02.2025.

For Petitioner : Mr.V.R.Shanmuganathan
For R-1 to R-3 : Mr.S.Shaji Bino
Special Government Pleader
For R-4 & R-5 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R-6 : Mr.K.Gnanasekaran
Government Advocate (Crl. Side)

ORDER

This Writ Petition seeks to quash the proceedings of the second respondent in Na.Ka.No.A1/01/2022 dated 21.02.2025. It also seeks a relief that the members belonging to Devendrakula Vellalar community shall not be prevented from worshipping at Arulmighu Angala Eswari Amman Temple situated at Thiruvengadam Village, Tenkasi District during the Sivarathiri festival to be celebrated between 24.02.2025 and 28.02.2025.



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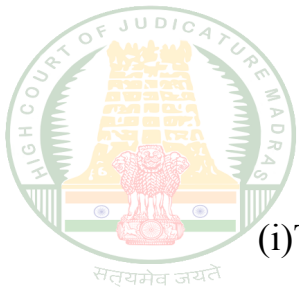
2. It is the case of the petitioner that Arulmighu Angala Eswari Amman

Temple was founded by members belonging to the Scheduled Caste community.

I need not go into the details in the affidavit other than stating that this claim made by Devendrakula Vellalar community is being stoutly disputed by those belonging to Maravar community.

3. Those belonging to Maravar community presented an application in O.A.No.2 of 2022 before the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Thoothukudi for framing a Scheme for the temple. Persons belonging to Devendrakula Vellalar community were arrayed as respondents. They had made a counter claim and sought a declaration of their rights. After a detailed enquiry, the Joint Commissioner allowed the application for framing of a Scheme and rejected the claim of the members of the Devendrakula Vellalar community.

4. The petitioner herein belongs to Devendrakula Vellalar community. He pleads that, on account of disputes, which arose between the two communities towards the celebration of Sivarathiri festival for this year, a peace committee meeting was called by the Tahsildar of Thiruvengadam Taluk. In the said meeting, two statements were recorded,



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(i) That the members of the Devendrakula Vellalar community shall file an appeal against the order passed by the Joint Commissioner on or before 24.02.2025; and

(ii) The worship of the deity will be adhered to and the Hindu Religious and Charitable Endowments Department will oversee the same.

5. It is the fear of the petitioner that those belonging to Scheduled Caste community will not be permitted to enter the temple and offer worship therein. The petitioner points out that a year before, a Writ Petition was filed before this Court in W.P.(MD).No.3083 of 2023 and an interim order was passed on 16.02.2023, specifically directing equal treatment of all worshippers. The order also directed the jurisdictional Tahsildar and the revenue authorities to ensure that the order of the Court is scrupulously complied with. The petitioner pleads that despite the fact that this Court came to their rescue, the Hindu Religious and Charitable Endowments Department closed the temple and prevented anyone from offering worship. Hence, the present Writ Petition has been filed challenging the resolution of the peace committee meeting and the consequential relief set forth above.

6. I heard Mr.V.R.Shanmuganathan for the petitioner, Mr.S.Shaji Bino, learned Special Government Pleader for the respondents 1 to 3,

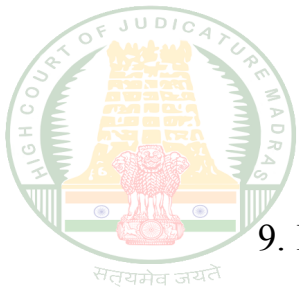


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Mr.K.S.Selvaganesan, learned Additional Government Pleader for the respondents 4 and 5 and Mr.K.Gnanasekaran, learned Government Advocate (Crl. Side) for the sixth respondent.

7. Mr.V.R.Shanmuganathan reiterated the contentions raised in the affidavit and indirectly attempted to attack the order passed by the fourth respondent in O.A.No.2 of 2022 dated 13.02.2025. He states that the Tahsildar has stated that, unless and until the petitioner obtains stay of the order passed in O.A.No.2 of 2022, the Management will be handed over to those belonging to Maravar community. He fears, like the previous years, the Hindu Religious and Charitable Endowments Department will close the temple and prevent persons from offering worship.

8. Mr.S.Shaji Bino states that the Tahsildar did not give any such direction as regards filing of the appeal and obtaining stay. He states, those belonging to Devendrakula Vellalar community had informed the Tahsildar about their decision to file an appeal and obtain interim orders. He, on instructions, states that the temple will not be closed and will be kept open and all persons will be treated equally.



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9. Mr.K.Gnanasekaran states that the respondent Police will take all steps to prevent any law and order problems.

10. I have carefully considered the submissions of all sides.

11. The indirect challenge of Mr.Shanmuganathan to the order passed in O.A.No.2 of 2022 dated 13.02.2025 on the file of the fourth respondent has to be properly addressed before the Appellate Authority, namely, the Commissioner, Hindu Religious and Charitable Endowments Department. Even if a wrong order has been passed by the fourth respondent, it cannot be urged that he has no jurisdiction to pass the order. It is one thing to say that the order is erroneous and entirely another to say that the fourth respondent has no jurisdiction. On the aspect of jurisdiction, the petitioner cannot plead otherwise, since before the very same authority, they have raised a counter claim. Further, if I were to give any finding on the order passed by the fourth respondent, it will not only affect the rights of the petitioner, but also of the respondents 7 to 9. Hence, it is open to any person aggrieved to challenge the order in O.A.No.2 of 2022 before the jurisdictional Appellate Authority.

12. With respect to the impugned order in the present Writ Petition, it is titled as “ஆலோசனைக்கூட்டம்”. It does not refer to any statutory provision

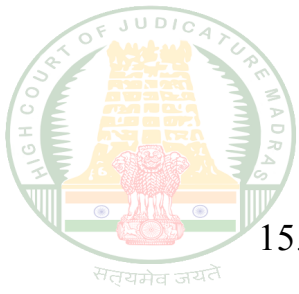


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under which it has been held. If it is to be treated as a peace committee meeting, even then, whatever resolution is passed by a peace committee meeting is, at best, an attempt of mediation by the revenue authorities to diffuse a situation. It does not have any force of law.

13. Turning to the immediate issue that has been presented by Mr. Shanmuganathan, I put it to the counsels appearing for the respondents 1 to 6 as to whether there is any intention to close the temple. The answer is an emphatic 'No'.

14. The Revenue, the Police and the Hindu Religious and Charitable Endowments Departments shall treat all the worshippers equally. A person, who belongs to the Schedule Caste community, cannot be discriminated. It is *per se* unconstitutional to do so. Nor can a person, who is not a member of the Committee of Management, be prevented from offering his worship therein. To make it abundantly clear, the temple must be kept open and all persons irrespective of their caste, creed and colour should be permitted to offer worship in the temple. It shall be the duty of the sixth respondent to ensure that no untoward incident takes place.



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15. The Hindu Religious and Charitable Endowments Department shall not duck its duty and close the temple. For a skirmish between a few persons, the public, at large, cannot suffer. The Hindu Religious and Charitable Endowments Department shall keep the temple open. It shall be the duty of the Revenue and the Police officials to ensure that the Sivarathiri festival is carried on in a peaceful manner. The sixth respondent shall take immediate action as against any person, who might attempt to spoil the festive atmosphere.

16. With the above observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

24.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

1.The District Collector,
Tenkasi,
Tenkasi District.

2.The Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.



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V.LAKSHMINARAYANAN,J.

Lm

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