



W.P.(MD)No.6457 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.6457 of 2025

S.Muthukumar

... Petitioner

VS.

1.The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.

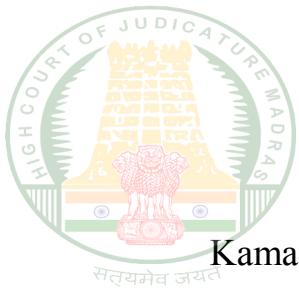
2.The Inspector of Police,
Vembakottai Police Station,
Vembakottai, Virudhunagar District.

3.Balaurugan
President of Panarkula Thaiyarkarargal Sangam,
No.23, Thirukkumaran Nagar, 2nd Street,
Thiru Nagar, Thirupparankundram,
Madurai.

4.Peyandi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to grant permission and hand over the keys of the Arulmighu Kamba



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Kamatchi Amman Shri Kathavarayan Temple situated at Sri Chakra Nagar, S.Sankaramoorthypatti, T.N.C.Alangulam, Sivakasi Taluk, Virudhunagar District, to the petitioner for celebrating the Annual 'khrp' Festival from 14.03.2025 to 16.03.2025 and regular worship in the temple in light of the orders made in I.A.No.45 of 2017 in O.S.No.12 of 2017 dated 06.04.2018.

For Petitioner	:Mr.J.Barathan for Mr.K.Sheenivasan
For R1	:Mr.S.Shaji Bino Special Government Pleader
For R2	: Mr.M.Karunanithi Government Advocate
For R3 & R4	: Mr.M.Saravanan

ORDER

This writ petition seeks for mandamus to the first respondent to grant permission and hand over the keys of “Arulmighu Kamba Kamatchi Amman and Shri Kathavarayan Temple” situated at Sri Chakra Nagar, S.Sankaramoorthypatti Village, T.N.C. Alangulam, Sivakasi Taluk, Virudhunagar District, to the petitioner for the purpose of celebrating the Annual 'khrp' festival between 14.03.2025 and 16.03.2025 and also to offer regular worship in terms of the order passed in I.A.No. 45 of 2017 in O.S.No.12 of 2017, dated 06.04.2018.

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2. The petitioner, Muthukumar, claims that he is entitled to be in management of the temple and thereby, the possession of the keys of the temple that is currently with the first respondent, Tahsildar. The temple has been mired in litigation for more than 50 years. The writ petitioner, Muthukumar, claims that the temple belongs to four communities, namely, Panar, Servai, Thondaiman and Semman. He refers to various litigations that had been initiated by the parties. He points that the group represented by the petitioner was successful in obtaining a decree for injunction in A.S.No.23 of 2016 (arising out of O.S.No.229 of 2012) and thereby, entitled to perform the functions.

3. I have to point out here that judgment and decree in A.S.No.23 of 2016 was set aside by this Court in S.A(MD).No.209 of 2022 and the matter was remitted to the learned District judge for the purpose of fresh trial along with connected suits.

4. The fear of the petitioner is that one Peyandi, the fourth respondent herein, would prevent him from offering worship at the aforesaid temple.



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5. When the matter came up for admission, Mr.M.Saravanan, took notice on behalf of the third and fourth respondents. He made a categorical statement that the fourth respondent, who is the Poosari of the temple, will strictly abide by the orders passed by the learned Principal District Judge at Virudhunagar in I.A.No.45 of 2017 in O.S.No.12 of 2017 dated 06.04.2018 and will not prevent any person from offering their prayers or performing any religious rites and activities to the temple.

6. This statement of Mr.M.Saravanan is taken on record as an undertaking given to this Court by the respondents 3 and 4. Needless to add, if the said undertaking is violated, any person aggrieved by the activities of the respondents 3 and 4, will be entitled not only to initiate contempt, but also other proceedings as are open to them.

7. The right of the management of the temple is still pending before the civil Court. If I were to grant the relief that is sought for in the writ petition, it will be as if I am pre-judging the suit and decreeing it in



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favour of the writ petitioner. In the connected writ petition, I have already passed an order creating an interim arrangement for continuation of 'माई' festival as well as for function to be performed during Full Moon and New Moon days. Suffice it to state that on any day, the temple is kept open, no person irrespective of the caste, creed, religion will be prevented from offering prayers or religious rites in the temple.

8. As the matter is pending before the civil Court, the judgment and decree to be passed in the suit will decide as to who will be entitled to the keys. As of now, after the temple is closed post the festival celebrations, the keys shall be handed over to the Village Administrative Officer of Alangulam Village. Whenever a ceremony is sought to be performed in the temple, advance notice has to be given to the Poosari, Peyandi. The Village Administrative Officer will give the keys to the fourth respondent Peyandi for performance of the function. Incase, Peyandi refuses to perform his duties, then his relatives Periyasamy or Murugan may approach the Village Administrative Officer for the purpose of obtaining the keys. Prior to handing over the keys to Periyasamy or Murugan, the Village Administrative Officer shall enquire



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with Peyandi as to whether he is willing to perform the religious rites and functions. The Village Administrative Officer shall hand over the keys to anyone of the aforesaid two persons only if Peyandi refuses to perform his duties.

9. In the light of the above discussion, this Writ Petition is disposed of. Needless to add, the rights of the parties will be determined by the judgment and decree in the civil Court. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Rmk

10.03.2025

To

- 1.The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.
- 2.The Inspector of Police,
Vembakottai Police Station,
Vembakottai, Virudhunagar District.

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Rmk

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