



W.P.(MD)No.6573 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.6573 of 2025

Panar Kula Thaiyarkarargal Sangam,
rep., by its President,
Thirukkumaran Nagar,
Thirunagar, Madurai-625 006.

... Petitioner

vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

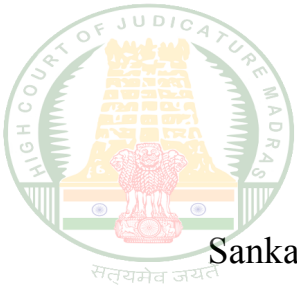
2.The Revenue Divisional Officer,
Sattur, Virudhunagar District.

3.The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.

4.S.Muthukumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the third respondent to hand over the key of Arulmigu Kathavarayan Kamba Kamakshi Temple,



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Sankaramoorthypatti, Alangulam, Sivakasi Taluk, Virudhunagar District,
to enable the petitioner sangam to conduct the festival from 14.03.2025
to 16.03.2025.

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

ORDER

This writ petition seeks for mandamus to direct the Tahsildar, Vembakottai Taluk, Virudhunagar District, to hand over the keys of “Arulmighu Kathavarayan and Kamba Kamakshiamman Temple”, situated at Sankaramoorthypatti, Alangulam, Sivakasi Taluk, Virudhunagar District, to enable the petitioner Sangam to conduct 'மாக்கி' festival from 14.03.2025 to 16.03.2025 and for consequential orders.

2. The case of the petitioner is that in Sankaramoorthypatti Village, there is a temple dedicated for the worship of “Arulmighu Kathavarayan and Kamba Kamakshiamman”. The petitioner pleads that the said deity



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is the குலதெய்வம் of Panar community. According to them, the temple was constructed by the members of Panar community and they have been in management of the same for years on end.

3.They pleaded that one Karuppaiah sought to interfere with the conduct of festival, constraining the then President of the Sangam, one Paramanandam to institute a suit before the Additional District Munsif Court at Sattur. This suit in O.S.No.93 of 1985 was one for bare injunction. It came to be decreed on 27.04.1987. Aggrieved by the said judgment and decree, Karuppaiah preferred a regular appeal in A.S.No.64 of 1987. The appeal came to be allowed by a judgment and decree dated 23.08.1988. Against the reversal of the judgment and decree, a second appeal was preferred before this Court in S.A.No.296 of 1989.

4. Pending the second appeal, the original defendant Karuppaiah passed away and one Saravanan was brought on record. The said second appeal was allowed and the suit was remanded to the trial Court on 07.06.2011. There was a direction to the learned Additional District Munsif at Sattur, to frame an additional issue whether the earlier suits



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with respect to the same temple in O.S.No.69 of 1981 and O.S.No.85 of 1978 would operate as a bar for the subsequent suit.

5. At this stage, I should point out that O.S.No.69 of 1981 and O.S.No.85 of 1978 had been dismissed for default. After the remand, the suit in O.S.No.93 of 1985 was renumbered as O.S.No.13 of 2013 on the file of the District Munsif Court, Sivakasi. Pursuant to the directions given by this Court in C.R.P(PD)(MD).No.2692 of 2018, another suit filed in O.S.No.229 of 2012 was permitted to be withdrawn. In the meantime, the petitioner in W.P(MD).No.6457 of 2025, namely, Mr.S.Muthukumar presented a suit in O.S.No.32 of 2012 claiming to represent all the four communities in the Village, namely Panar, Servai, Thondaiman and Semman. He was successful in obtaining an interim order, which was challenged before this Court by way of a revision. Interim orders were obtained in the said revision. Thereafter, O.S.No.32 of 2012 came to be withdrawn.

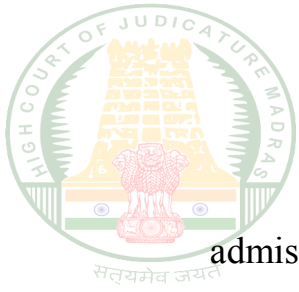
6. The insatiable appetite for litigation of these four communities is evident from the facts. The renumbered suit in O.S.No.13 of 2013 came



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to be decreed, against which, the said Muthukumar preferred an appeal in A.S.No.28 of 2016. Similarly, as against the judgment and decree in O.S.No.229 of 2012 (it had been withdrawn subsequently), an appeal was preferred in A.S.No.23 of 2016. The original defendant, who was impleaded as representing the Panar community, namely, Mr.Paramanandam passed away. Instead of impleading another person from the same community to represent the interest of the body, the said Muthukumar impleaded his daughter Thenammal @ Thenmozhi as a party to the suit. The said Thenammal had no objection for the suit preferred against her father to be decreed and the suit presented by him came to be dismissed. Consequently, the learned Subordinate Judge allowed the appeals in A.S.Nos.23 and 28 of 2016.

7. Before I proceed to narrate what finally happened in the second appeals, I have to point out that on the strength of the decree obtained in A.S.No.23 of 2016, before the Subordinate Judge, Sivakasi; Muthukumar presented a writ petition in W.P(MD).No.3894 of 2022 seeking a direction to the Tahsildar to hand over the keys of the temple to him for celebrating the 'மாஈசி' festival. This writ petition was disposed of in the



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admission stage giving a direction to the Tahsildar to consider the representation made by the petitioner and pass final order within two days, after giving an opportunity to the petitioner.

8. The Tahsildar constituted a Peace Committee and passed a resolution on 07.03.2022 permitting Muthukumar to perform the festival between 03.03.2022 and 18.03.2022 with a temporary Poosari and hand over the keys of the temple back to the Village Administrative Officer, Alangulam, on 19.03.2022.

9. On coming to know of the judgment and decree in A.S.No.23 of 2016, the writ petitioner moved two second appeals in S.A.(MD)No.209 of 2022 and C.M.A(MD).No.366 of 2023. Both the appeals were allowed on 04.03.2024 setting aside the judgment and decree and remitting the matter to the trial Court for fresh disposal.

10. By virtue of this judgment and decree, parties have been restored to the situation prior to the order passed by the learned Subordinate Judge at Sivakasi. However, in the meantime, another suit



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in O.S.No.12 of 2017 came to be presented seeking for declaration that all the aforesaid four communities are entitled to manage the temple. By virtue of the order passed by this Court, O.S.No.12 of 2017 was transferred to the file of the learned Additional District Judge, Srivilliputhur, Virudhunagar District.

11. An application for injunction was taken out by Mr.Muthukumar and others seeking to restrain the Poosari, namely, Peyandi, from interfering with the rights of management and also preventing him from interfering with the right to offer prayer.

12. The learned Principal District Judge at Virudhunagar by order dated 06.04.2018, rejected the prayer for insofar as it related to the management, but granted an order restraining the Poosari, Peyandi, from preventing any person to offer prayer in the temple.

13. With every 'माफ़ी' festival, a dispute is commenced between the parties.



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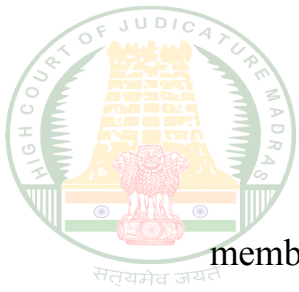
14. The present writ petition before me seeks for the relief of handing over the keys to Peyandi for the purpose of performing the poojas during the ensuing 'माई' festival between 14.03.2025 to 16.03.2025.

15. I heard Mr.M.Saravanan for the petitioner, Mr.S.Shaji Bino, learned Special Government Pleader for the respondent 1 to 3 and Mr.J.Barathan representing for Mr.Sheenivasan for the fourth respondent.

16. Mr.Saravanan reiterated the contentions raised in the affidavit.

17. Mr.J.Barathan pleaded by virtue of the order passed by the learned Principal District Judge, in I.A.No.45 of 2017 in O.S.No.12 of 2017, dated 06.04.2018, the right to worship of the four communities should not be prevented.

18. Mr.S.Shaji Bino points out that the keys were taken from the poosari and have been retained under the control of the Tahsildar, on account of the repeated disputes, that have been arising between the



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members of the community and also in order to maintain the law and order and peace in the area. He states the Peace Committee dated 07.03.2022, which took over the keys from the Poosai, was formed only pursuant to the orders of this Court. He also points out that Peyandi is the poosari of the temple.

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

20. The existence of the temple is not in dispute. The various suits that have been filed by one party as against the other, vying to control the temple is also not in dispute. The fourth respondent in the writ petition managed to obtain a decree before the Subordinate Judge, Sivakasi, and thereby, took over the keys of the temple by getting an order to hold a Peace Committee Meeting. When the basis of getting that order, namely, the judgment and decree of the Court of Subordinate Judge, Sivakasi, has been set aside in second appeal, automatically parties have to stand restored to the position, they were prior to the judgment and decree. Hence, Peyandi, the Poosari, gets the rights to perform the prayer in the temple. Whether he is entitled to continue in that capacity depends upon



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the judgment and decree to be passed by the learned District Judge at Virudhunagar, in O.S.No.12 of 2017 and O.S.No.324 of 2024.

21. Devotees cannot wait till the disputes are settled by the civil Court. The 'ढाकी' festival is round the corner. The sentiments of the faithful devotees will have to be taken into consideration by this Court at the time of passing an order. Therefore, while rejecting the wide prayer that Mr.Saravanan seeks for, I am inclined to pass the following directions:-

(i) The third respondent/Tahsildar, Vembakottai Taluk, shall hand over the keys to Mr.Peyandi, the Poosari of the temple;

(ii) Mr.Peyandi will be entitled to act as Poosari and conduct the festival in the usual customary manner between 14.03.2025 to 16.03.2025;

(iii) The temple shall be kept open on all the three days without one party preventing the other from offering worship in the temple;



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(iv) The Revenue and the Police authorities incase they get an information that one party is preventing the other from offering prayers, they shall immediately act and remove the said mischievous element from the temple;

(v) After the festival is over, the key will be handed over to the Village Administrative Officer, Alangulam, Virudhunagar District.

(vi) For other auspicious days, the keys shall be handed over to Mr.Peyandi and once the prayers during New Moon and Full Moon had been completed, he shall hand over the keys back to the Village Administrative Office, Alangulam.

(vii) Incase Mr.Peyandi plays truant and does not open the temple, the revenue authorities, after giving him a due opportunity to perform his duty and if he refuses to do so, shall call upon one Periyasamy and Murugan, relatives of Peyandi to perform the religious functions.

22. This order shall not be construed as a benefit in favour of Peyandi or against Muthukumar. The civil Court shall decide the issue as to who is entitled to manage the temple uninfluenced by this order. This arrangement is made only for the purpose of ensuring that the 'மாத்ரி'



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festival of the temple is performed uninterruptedly, so that the sentiments of the worshippers being affected.

23. In result, this Writ Petition is disposed of. No costs.

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

10.03.2025

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Sattur, Virudhunagar District.
- 3.The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.



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V. LAKSHMINARAYANAN, J.

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