



W.P.(MD) No.7428 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.03.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.(MD) No.7428 of 2025

G. Arumuganainar

... Petitioner

Vs.

1. The Inspector of Police,
Thattaparai Police Station,
Tuticorin.

2. A.Thalavai Pillai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 16.03.2025 passed by the 1st respondent as illegal and quash the same and consequently direct the 1st respondent to grant permission to conduct Temple Festival of Arulmigu Akkini Muthamman Temple from 18.03.2025 and 25.03.2025 situated in S.No. 1917/2 in Keelachekkarakudi, Srivaikuntam Taluk, Tuticorin District.

For Petitioner : Mr.Gandhi

Senior Counsel

for Mr.J.Senthil Kumaraiah

For R-1 : Mr.R.M.Anbunithi

Additional Public Prosecutor (Crl. Side)



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ORDER

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2. The learned Senior Counsel appearing for the petitioner would submit that the petitioner is the residence at Keelachekkarakudi and their family deities “Arulmigu Akkini Muthamman Temple” situated at Natham in Keelachekkarakudi. The said Temple was established by the petitioner's ancestors and they used to conduct Festival. While so, one of the descendants of the petitioner's family A.Thalavai Pillai / second respondent herein and another, namely, Subbaiah have administered the said Temple and there are litigations between the parties and for the past 10 years, they have not conducted Festival. While so, the second respondent has filed a W.P.(MD) No.16299 of 2021 for conduct of Festival. During the pending of the said writ petition, the second



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respondent and Subbaiah without consulting with the other legal heirs descendants of the family deities, have entered into settlement and jointly compromised. Based on that, this Court passed an order dated 04.12.2023 to conduct the Festival by the second respondent descendants on 2nd Tuesday of Tamil month of 'Vagasi' every year and Subbaiah descendants to conduct the Festival on 3rd Tuesday of Tamil month of 'Chithirai' every year and they themselves appointed some persons as Dharmakartha, Poosari and Administrator of the said Temple till their life time.

3. The learned counsel would further submit that this petitioner is the descendant of the Arumuganainar and no any order passed in the above said order dated 04.12.2023 in respect of the descendants of this petitioner. Therefore, the petitioner has filed a petition before this Court in the earlier occasion. In the last year, the petitioner approached this Court in W.P.(MD) No.5736 of 2024 and the same was allowed and the petitioner has also conducted a Festival. Likewise this year also, the petitioner sent a representation to the first respondent to grant permission to conduct Festival and also for police protection and this Court also directed the first respondent in W.P(MD) No.6833 of 2025 dated 14.03.2025 to pass appropriate orders by considering the representation of



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the petitioner, but the same was rejected by citing law and order issue.

There may not be any law and order issue since the petitioner has already conducted Festival in the Month of 'Panguni' based on the order of this Court and the other persons were permitted to conduct the Festivals in the Tamil month of 'Chithirai' as well as 'Vaigasi'. Therefore, for conducting Festival by the petitioner in the 'Panguni' month, there will not be any law and order issue. But the first respondent has rejected permission and therefore, the order passed by the first respondent is liable to be quashed.

4. The learned Additional Public Prosecutor (Criminal Side) appearing for the first respondents would submit that the petitioner sent a representation for conducting Festival and for police protection, and the same was considered and rejected on the ground of law and order issue. There are three groups claiming the right over the said Temple and already as per the order passed by this Court, they are conducting Festival in the Tamil month of 'Chithirai' and 'Vaigasi' by the respective parties. But, this petitioner seeking permission for conducting Festival in the Tamil month of 'Panguni' and thereby, there may be chances for clash between the two groups. Therefore, they have rejected.



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

6. Considering the prayer sought for in this petition, this Court without issuing notice to the second respondent inclined to passed orders.

7. According to the petitioner, they want to conduct Festival in the Tamil month of 'Panguni' and already the second respondent has filed a writ petition as against one Subbiah and others and they entered into compromise. In that compromise, they have decided that one party to conduct Festival in the month of 'Chithirai' and another party to conduct the Festival in the month of 'Vaigasi'. But, this petitioner is coming from the descendants of Arumuganianar, therefore no any time slot was allotted to this petitioner. In the above said compromise memo, this petitioner is not a party. Moreover, the petitioner has also approached this Court in the last year and filed a petition in W.P.(MD) No.5736 of 2024 to grant permission to conduct Festival and this Court passed the following Order on 18.03.2024:

“4. The petitioner wants to conduct a festival in the petition mentioned temple. He wants permission from the authorities. I have been consistently holding that permission from the authorities is not required for conducting any religious function, particularly in villages.



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Of course if any cognizable offence is committed, then the authorities will definitely interfere. If law and order problem crops up, then the revenue authorities will proceed under the provisions of Cr.P.C. Subject to these Ifs, restraint order cannot be imposed on the celebration and performance of temple festival in villages in particular.

8. In view of the above, now this Court is also inclined to permit the petitioner to conduct the Festival in terms of earlier order passed by this Court without affecting the right of the parties in the administration of the Temple. Therefore, the order dated 16.03.2025 passed by the first respondent is set aside and the petitioner is permitted to conduct the Festival without affecting the law and order. If any criminal activities done by any parties, the first respondent can take appropriate steps in accordance with law and the first respondent is also directed to ensure the law and order and the safety of the people who participate in the function.

9. With the above said observations and directions, this writ petition is disposed of. No costs.

18.03.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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To

1. The Inspector of Police,
Thattaparai Police Station,
Tuticorin.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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