

W.P.(MD)No.9487 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

W.P.(MD)No.9487 of 2025

Nallusamy

... Petitioner

vs.

1.The District Collector,
Trichy.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Trichy.

3.The Tahsildar,
Marungapuri Pots and Taluk,
Trichy District.

4.The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.

5.Nallu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the third respondent



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to ensure that the Padukalam festival in Arulmighu Muthumariamman and Muthali Vinayagar Temple of Oothukuzhi, Marungapuri Taluk, Trichy District, on 07.04.2025 by permitting the petitioner to guard the deity with Aruval by wearing garland and to receive appropriate customary honours in the temple.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.S.Shaji Bino (for R1 & R3)
Additional Government Pleader

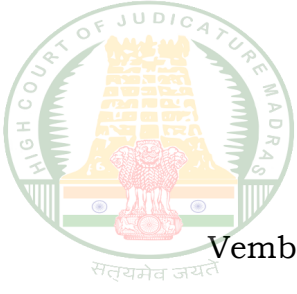
Mr.K.S.Selva Ganesan (for R2)
Additional Government Pleader

Mr.M.Karunanidhi (for R4)
Government Advocate (CrI.side)

Mr.Pichaimuthu (For R5)

ORDER

This writ petition relates to Arulmighu Muthumariamman and Muthali Vinayagar Temple situated at Oothukuzhi, Marungapuri Taluk, Trichy District. The petitioner is an octogenarian. He pleads that during the Tamil Month of 'பங்குனி', a festival is celebrated in a very grand manner in the aforesaid temples. Villagers from



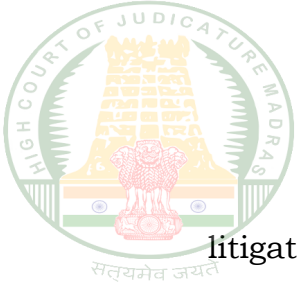
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Vembanur, Vellapachampatty, Sangampatty, Chellambatty,

WEB COPY Vellanampatty, Inbampatty, Mathurapatty and Mettupatty, assemble

in the said temple premises, and they participate in the temple festival. He pleads that he is the village Headman /நாட்டாமை, and in that capacity, he is entitled to the first honour, like wearing a garland, and guarding the deity by carrying a sickle (அருவாள்). He pleads that the fifth respondent herein, who is contesting in this claim, is preventing the customary practice of Garlanding and carrying of அருவாள். This constrained the fifth respondent to move the Joint Commissioner of Hindu Religious and Charitable Endowments Department, Tiruchirappalli, seeking the right to the first honour and carrying of the அருவாள், invoking Section 63 (e) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Though, the fifth respondent had filed an application about 16 years ago and yet, it has not seen the end of the day.

2. In the meantime, year after year, the Revenue Department, Hindu Religious and Charitable Endowments Department, the Police, and in some cases, this Court, have been troubled on account of the



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litigation between the petitioner and the fifth respondent.

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3. When the matter came up for admission, I heard Mr.P.Ganapathi Subramanian for the writ petitioner, Mr.S.Shaji Bino, learned Special Government Pleader, for R1 and R3, Mr.K.S.Selva Ganesan, learned Additional Government Pleader, for R2, Mr.M.Karunanidhi, learned Government Advocate (CrI.side) for R4 and Mr.Pitchaimuthu, for R5.

4. On account of the ongoing dispute between the petitioner and the fifth respondent, the traditional practices of the village seems to have come to a grinding halt.

5. Mr.Ganapathi Subramanian pleads that, as நாட்டாமை, his client is entitled to the first honour and carrying of அருவாள்.

6. Mr.Pitchaimuthu states that from 2007 onwards, the right of first honour and carrying of அருவாள் has not been observed. He further states that if the direction sought for by the writ petitioner is



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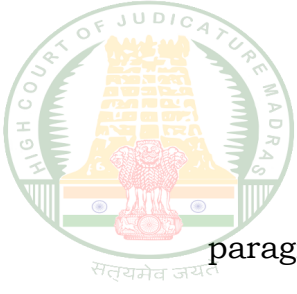
granted, then it might lead to a law and order problem in the locality, and thereby, affecting the celebratory mood in the village.

7. The learned Additional Government Pleader for HR & CE Department states that last year, one Thirumathi.Jeyalakshmi had conducted the festival under the guidance of the second respondent. This year too, the HR & CE Department is willing to conduct the festival, if adequate support and help is rendered by the third and fourth respondents.

8. Mr.M.Karunanithi states that the fourth respondent will afford protection, if the same directed by the Court.

9. I have carefully considered the submissions of all sides. I have gone through the records.

10. A perusal of the representation made by the petitioner shows that he does not want to be excluded from the festival, that is being conducted during the month of 'பங்குனி'. From the reading of



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paragraph No.7 of the affidavit, it is clear that an attempt had been made by the fifth respondent to exclude the writ petitioner during the festival to be conducted on Monday i.e., 07.04.2025. Mr.Pitchaimuthu states that it is not the intention of the fifth respondent to exclude the petitioner from participating in the festival of the two temples.

11. In the light of the above, the following orders are passed:-

(i) The Joint Commissioner of HR & CE Department, Tiruchirappalli/second respondent, shall nominate Thirumathi.Jeyalakshmi of Oothukuzhi Village, Marungapuri Taluk, Tiruchirappalli District, to hold the 'பங்குனி' festival on 07.04.2025;

(ii) The petitioner shall not be excluded by any person from participating in the festival ;



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(iii) The undertaking given by the second respondent that the O.A.No.13 of 2008 will be disposed of within a period of three months i.e., on or before 29.08.2025 is hereby recorded;

(iv) In the event, the second respondent does not dispose of the Original Application as per the undertaking given before this Court in the present writ petition, both the fifth respondent as well as the petitioner are entitled to invoke the contempt jurisdiction of this Court against the second respondent;

(v) It is only on account of the pendency of this Original Application that the disputes continue to fester for the past two decades. Depending upon the disposal of the Original Application, the right of the petitioner and the fifth respondent will follow;

(vi) It is made clear that carrying of அருவாள் for this year, will not be performed either by the petitioner or by the fifth respondent.



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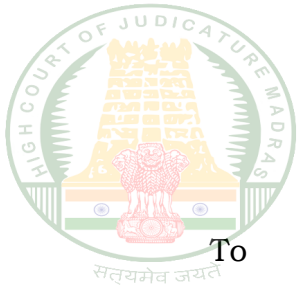
(vii) The third and fourth respondents are directed to afford protection smooth conduct of the festival.

(viii) The fourth respondent, in case, he notices any mischievous element attempting to spoil the celebratory mood of the festival, he shall immediately swing into action and take all steps, in order to ensure that such mischievous element is removed from the area.

12. This Writ Petition is ordered in the above terms. No costs.

Index :Yes / No
NCC :Yes / No
Rmk

04.04.2025



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Rmk

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