



W.P.Crl.(MD)No.291 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.Crl.(MD)No.291 of 2025

and

W.M.P.Crl.(MD)No.81 of 2025

K.Dhamodharan

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai,
Sivagangai District.
- 2.The Superintendent of Police,
Sivagangai,
Sivagangai District.
- 3.The Tahsildhar,
Kalaiyarkovil Taluk,
Sivagangai District.
- 4.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai.
- 5.Pandiyan



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6.Sankaralingam

WEB.COM 7.Murugan

... Respondents

R7 is impleaded as per order of the Court dated 07.07.2025 in WMP.Crl.(MD)No.117 of 2025 in WP.Crl.(MD)No.291 of 2025)

Prayer: Writ Petition filed under Article 226 of the constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 1 to 4 to take necessary actions against respondents 5 and 6 and to ensure the proper and peaceful functioning of the religious practices of the petitioner's cognates ie., i.Pasumeky clan, ii.Peivetti clan, iii.Avuttu clan in the Arulmigu Thazhaimadai Karuppiah Swamy Temple, located in Allur, Panangadi Village, Sivagangai District, during the Aani, Purattasi Pongal, and Tamil New Year festivals as per Lok Adalat award dated 08.07.2017 in A.S.No.127 of 2013 on the file of the Sub Court, Sivagangai.

For Petitioner	: Mr.V.Varadharajan
For R2 & R4	: Mr.E.Antony Sahaya Prabahar, Additional Public Prosecutor.
For R1 & R3	: Mr.F.Deepak, Special Government Pleader.
For R5 & R6	: Mr.G.Aravinthan
For R7	: Mr.A.V.Arun



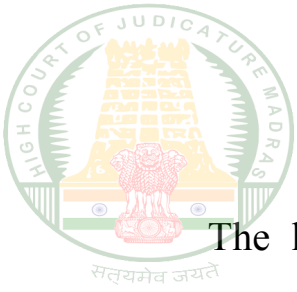
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ORDER

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This petition has been filed to direct the respondents 1 to 4 to take necessary actions against respondents 5 and 6 and to ensure the proper and peaceful functioning of the religious practices of the petitioner's cognates ie., i.Pasumeky clan, ii.Peivetti clan, iii.Avuttu clan in the Arulmigu Thazhaimadai Karuppiyah Swamy Temple, located in Allur, Panangadi Village, Sivagangai District, during the Aani, Purattasi Pongal, and Tamil New Year festivals as per Lok Adalat award dated 08.07.2017 in A.S.No.127 of 2013 on the file of the Sub Court, Sivagangai.

2.The petitioner is the resident of Panangadi village, Sivagangai District. The petitioner claims that the temple namely, Arulmigu Thazhai Boopathi Ayyanar Temple and Arulmigu Thzhaimadai Karuppiyah Swamy Temple is located in Allur, Panangadi Village, Sivagangai District and the same is managed by the villagers. The petitioner claims that there are some honours rewarded traditionally.



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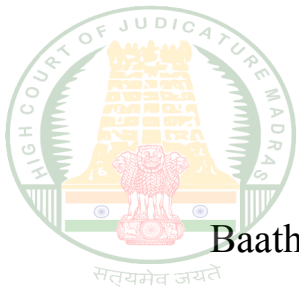
The honours are conferred traditionally upon the members of the

WEB CO Villages community as follows:-

- 1.Maharaja
- 2.Kanakkupillai
- 3.Ambalakarar
- 4.Karanakarar (Festival Committee)
- 5.Palaniandi Konar

Among the five honours, the third-Ambalakarar anda carrying the Niramarakkal is historically bestowed upon three of their cognate clans, namely i.Pasumeky clan, ii.Peivetti clan, iii.Avuttu clan.

3.The petitioner claims that he belongs to Peivetti clan and they are entitled to receive third honour on rotational basis among three cognates. This honour, according to him, was conferred upon him for centuries. However, respondents 5 & 6 and their cognates have filed a civil suit in O.S.No.85 of 2007 before the District Munsif Court, Sivagangai seeking permanent injunction to obtain the right to the honour of taking the “Niraimarakkal @ Ambalamirasu Varumbadi



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Baathiyam” and to prevent the petitioner’s clan from causing any obstruction to the plaintiffs. The said suit was dismissed for default on 23.12.2009. Thereafter, it was restored and dismissed on the ground of maintainability. Challenging the same, the respondents 5 & 6 and their cognates preferred appeal in A.S.No.127 of 2013 before the Subordinate Court, Sivagangai. The Sub Court has referred the issue to the Lok Adalat and an award has also been passed on 08.07.2017. The petitioner has approached this Court that despite award of the Lok Adalat, the respondents 5 & 6 are creating trouble and preventing the petitioner to exercise his right, which has been conferred by the Lok Adalat award dated 08.07.2017.

4.The learned counsel appearing for the respondents 5 & 6 submits that there is no such practice and this award passed by the Lok Adalat is not binding.



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5.The learned counsel appearing for the seventh respondent submits that their father is one of the plaintiff and he died during appeal. However, without impleading the seventh respondent, the Lok Adalat award has been obtained through the respondents 5 & 6. He also submits that in the suit in O.S.No.85 of 2007 the petitioner has raised specific plea that the suit is barred under Section 63(E) of the Hindu Religious & Charitable Endowment Act and the suit was also dismissed on the said ground. Therefore, the petitioner cannot claim any right pursuant to the specific award passed in appeal arising out of O.S.No.85 of 2007.

6.The learned Additional Public Prosecutor appearing for the respondents 2 & 4 submits that since there is a dispute between two groups, they have referred the matter to the Tahsildar.

7.The learned counsel appearing for the petitioner submits that the festival is commencing tomorrow, ie., 15.07.2025 and it is conducted after three years.



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WEB COPY 8.This Court has considered the submission made on either side and perused the available records.

9.The petitioner claims his right based on the Lok Adalat award dated 08.07.2017. The respondents 5 & 6 are aware of the award of the Lok Adalat. The seventh respondent claims that his father is one of the plaintiffs and he died during appeal. Without impleading him, Lok Adalat award came to be passed. However, the learned counsel appearing for the petitioner submits that at the instigation of respondents 5 &6, the seventh respondent has filed the impleading petition.

10.The petitioner is claiming his right based on the Lok Adalat award. The festival is also commencing tomorrow. The respondent Police is directed to provide Police protection to ensure that the award dated 08.07.2017 is implemented. In the event if the respondents 5 to



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7 are having any issues with regard to the award dated 08.07.2017,
they have to workout their remedy in the manner known to law.

Accordingly, this writ petition is disposed of. No costs. Consequently,
connected miscellaneous petition is closed.

14.07.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Note: Issue order copy on 17.07.2025

To

- 1.The District Collector, Sivagangai, Sivagangai District.
- 2.The Superintendent of Police,
Sivagangai, Sivagangai District.
- 3.The Tahsildhar,
Kalaiyarkovil Taluk,
Sivagangai District.
- 4.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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