



W.P.Crl.(MD)No.518 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.Crl.(MD)No.518 of 2025

K.Vanumamalai

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

3.The Superintendent of Police,
Thoothukudi,
Thoothukudi District.

4.The Sub Inspector of Police,
Cherakulam Police Station,
Thoothukudi District.

5.Krishnan

6.R.Vanumamalai

... Respondents

Prayer: Writ Petition Criminal filed under Article 226 of the constitution of India, seeking for the issuance of Writ of Mandamus, to



W.P.Crl.(MD)No.518 of 2025

direct the respondents 3 and 4 to give Police Protection for celebration of Kodai Festival from 21.07.2025 to 23.07.2025 based on the petitioner's representation dated 29.05.2025 in the light of the proceedings of the second respondent in Na.Ka.A4/4050/2018, dated 13.07.2018 within the time fixed by this Court.

For Petitioner : Mr.K.Jeyamohan

For Respondents : Mr.F.Deepak, (for R1 & R2)
Special Government Pleader

Mr.E.Antony Sahaya Prabahar, (for R3 & R4)
Additional Public Prosecutor

Mr.Aairam K.Selvakumar (for R5 & R6)

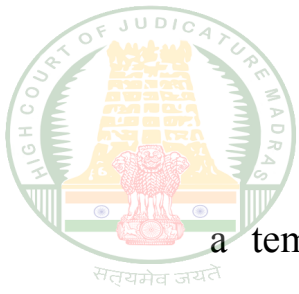
ORDER

The petitioner, K.Vanumamalai, claiming to be a Dharmakarthartha of the temple, namely, Semburaperi Kulakrai Karayadi Sudalaimadasamy Pattani Kovil, situated at Ramanujampudur Village, has filed this writ petition seeking issuance of Writ of Mandamus, directing the respondents 3 and 4 to give Police Protection for celebration of Kodai Festival from 21.07.2025 to 23.07.2025 based on his representation dated 29.05.2025 and in the light of the proceedings of the second respondent in Na.Ka.A4/4050/2018, dated 13.07.2018.



2.The learned counsel appearing for the petitioner has relied on a proceeding dated 29.06.2021 and submitted that he has been declared as the temporary Dharmakarthha of the said temple and he only conducted the festival in the year 2021. He has also relied upon the proceeding of the second respondent/Tahsildar dated 13.07.2018 in Na.Ka.A4/4050/2018 and several proceedings pertaining to this issue enclosed in the typed set of papers. According to the petitioner, he is the temporary Dharmakarthha and he alone is entitled to conduct the temple festival. However, some persons have raised objection to the same and therefore, he seeks police protection.

3.The learned Special Government Pleader submitted that the subject temple is a village temple belonging to a particular community. Earlier, the petitioner, K.Vanumamalai has conducted the festival as the temporary Dharmakarthha pursuant to a decision taken by the Varidharars of the Temple, dated 29.6.2021. The sixth respondent, namely, R.Vanumamalai, S/o.Rengakonar, has now been recognized as



WEB COPY a temporary Dharmakartha by the Varitharars for conducting the temple festival.

4. According to the learned Special Government Pleader, every year, the Varitharars take a decision and the festivals are conducted on a rotation basis. He has also referred to an earlier order passed by this Court in W.P.(MD). No.15276 of 2024, dated 10.07.2024, wherein, this Court recorded the submission of the learned Additional Public Prosecutor that permission has already been granted by the Varidharars to one Krishnan, and closed the same. Subsequently, even after the order of this Court in W.P.(MD).No.15276 of 2024, dated 10.07.2024, the petitioner has filed another writ petition before this Court in W.P.(MD).No.16247 of 2024, wherein this Court held as under:

5. The learned Additional Government Pleader appearing for the respondents 1 and 2 also states that according to them it is the third respondent who is the present Dharmakartha and that the petitioner was a former Dharmakartha and that permission was already granted in favour of the third respondent by



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W.P.Crl.(MD)No.518 of 2025

the jurisdictional Police to conduct festival. The officials would further state that there is no permanent trustee for the petition mentioned temple.

6.I am not in a position to go into the merits of the matter because the temple festival has already commenced. The authorities are also endorsing the stand taken by the third respondent. At this stage, the writ Court is not in a position to adjudicate the intestate dispute between the petitioner on the one hand and third respondent on the other.

7.This writ petition is closed accordingly. Merely because I have closed the writ petition, it cannot come in the way of the petitioner from participating in the petition mentioned festival like any other devotee. There shall be no order as to costs.

5.This Court Considered the rival submissions made.

6.It appears that the issue remains unresolved and every year writ petitions are being filed in connection with the temple festival. It appears that the subject temple is a village Temple belonging to a



particular community. Four families are conducting these festivals and among the four families, they are appointing the Dharmakarthas on the rotation basis. The petitioner was also appointed as a Dharmakartha on a temporary basis in the year 2021. Taking advantage of the same, the petitioner has filed several other litigations before this Court. The petitioner has made a similar claim in W.P.(MD).No.15276 of 2024, dated 10.07.2024, wherein, this Court recorded the submission of the learned Additional Public Prosecutor that the permission has already been granted by the Varidharars to one Krishnan, and closed the same. Thereafter, he again filed another writ petition in W.P.(MD).No.16247 of 2024 and this Court vide order dated, 19.07.2024 confirmed the earlier order passed in W.P.(MD).No.15276 of 2024, dated 10.07.2024. In the event the petitioner is claiming any right, he has to work out his remedy before the appropriate forum. However, without approaching the proper forum, the petitioner has once again filed a writ petition before this Court, just when the festival is about to commence.



W.P.Crl.(MD)No.518 of 2025

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7.Taking advantage of the recognition, which has been provided in the year 2021 as a temporary Dharmakartha, the petitioner appears to have been creating a cause of action for several litigations. Considering the conduct of the petitioner, this Court is inclined to dismiss this petition with a cost of Rs.10,000/- payable to the subject temple.

8.While this Court was about to impose the costs, the learned counsel appearing for the petitioner submitted that the purpose of filing this application is to prevent discrimination against the petitioner and to ensure that he is permitted to participate in the temple activities.

9.The learned counsel appearing for the private respondents submitted that there is no question of ex-communication and that every one belong to the same community and they never prevented anyone from worshipping in the temple. However, the petitioner, taking advantage of the proceeding of the year 2021, has filed the writ



W.P.Crl.(MD)No.518 of 2025

petition. He has also filed several other litigations on the same issue.

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10.Considering the above said facts and circumstances of the case and the manner in which, the proceedings have been filed based on the cause of action from the year 2021, this writ petition stands dismissed and the petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the subject temple.

15.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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W.P.Crl.(MD)No.518 of 2025

WEB COPY

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



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W.P.Crl.(MD)No.518 of 2025

B.PUGALENDHI, J.

vsg

W.P.Crl.(MD)No.518 of 2025

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