



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.04.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

W.A.(MD)No. 1624 of 2024

and

C.M.P(MD)No.12704 of 2024

1. The District Collector,
District Collectorate Complex,
Madurai District.
2. The Revenue Divisional Officer,
Usilampatti Division,
Madurai District.
3. The Tahsildar,
Peraiyur Taluk,
Madurai District.
4. The Inspector of Police,
Elumalai Police Station,
Madurai District.

... Appellants

-Vs-

1. G.Pandi
2. Sankaralingam
3. Mahalingam

... Respondents

[Respondents 2 & 3 are impleaded as per order of this Court, dtd 18.09.2024]



PRAYER: Writ Appeal filed under Clause 15 of Letter Patent, to allow this Writ Appeal by setting aside the order passed in W.P(MD)No.17824 of 2024, dated 30.07.2024.

For Appellants : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by
Mr.S.Vinodh,
Government Advocate

For Respondents : Mr.Prabhu Rajadurai, for
Mr.M.Rajarajan, for R-1

Mr.T.Lajapathi Roy, Senior Counsel, for
DR.V.Nirmalarani, for R-2 & R-3

JUDGMENT

DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

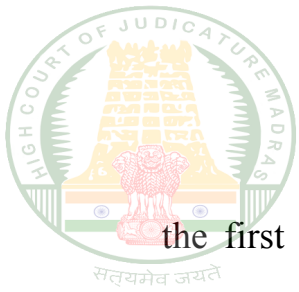
This Writ Appeal is filed by the State, represented by the District Collector and other officials, aggrieved by the order passed by the Learned Single Judge of this Court, dated 13.07.2024 in W.P(MD) No.17824 of 2024. The summon substance of the dispute which the Learned Single Judge attempted to resolve in respect of worshipping a temple in a remote village managed by a particular community, but closed due to unrest in the village in view of communal disturbance.



2. The Learned Single Judge allowed the writ petition, directing the authorities to open the temple and keep it accessible for worship of the Deity during the usual hours. Since the disputing communities had already arrived at a compromise through an agreement, he directed the parties to adhere to its terms. He further directed that the fundamental right of the first respondent herein/writ petitioner and other villagers, guaranteed under Article 25 of the Constitution of India, to visit the temple and participate in the worship of the Deity shall not be curtailed for any reason.

3. Subsequently, the said order was challenged by the authorities through this Intra-Court appeal, stating that the Learned Single Judge had not properly appreciated the facts of the case in the correct perspective, hence it has led to miscarriage of justice. The authorities have primarily aggrieved by the direction given to them to open the temple and allow the writ petitioner to administer the temple and also from the members of all community to enter the temple and worship the Deity.

4. Heard Mr.Veera Kathiravan, the Learned Additional Advocate General, assisted by Mr.S.Vinodh, the Learned Government Advocate for the Appellants, Mr.Prabhu Rajadurai, for Mr.M.Rajarajan, the Learned Counsel for



the first respondent herein/writ petitioner and Mr.T.Lajapathi Roy, the Learned Senior Counsel for DR.V.Nirmalarani, for the respondents 2 & 3 and perused the material documents placed on record.

5. The Learned Additional Advocate General appearing for the Appellants submitted that the village had experienced a series of communal riots, resulting in the registration of about 94 criminal cases, and that the temple had remained closed for several years. Therefore, reopening the temple and permitting worship of the Deity might lead to a law and order issue. He further submitted that members of the other community were not permitted to worship the Deity, and therefore, the possibility of triggering communal riots was imminent.

6. After hearing the Learned Additional Advocate General, this Court enquired with the Learned Counsels appearing for the respondents. In unequivocal terms, he stated that the temple, administered by the *Vellalar [Pillaimar] Uravinmurai*, had never prevented members of the other community from entering the temple to worship the Deity. Meanwhile, the members of the other community were impleaded *suo motu* and were also represented by the Senior Counsel, who, after considering the submissions made by the Learned Additional Advocate General as well as the Learned Counsel appearing for the



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first respondent/writ petitioner, sought time to obtain instructions from their clients.

7. Mr.Prabhu Rajadurai, the Learned Counsel appearing for the first respondent herein/writ petitioner, also sought time to have a word with his client to arrive at an amicable settlement between the members of both the communities, so that the worship and festivals of the temple will be carried on. The bone of contention among the parties was not primarily in respect of worshipping the Deity, but rather the form of worship of the **தல விருட்சம்** *[Peepal Tree]* located within the temple premises. After due deliberations, respondents 2 and 3, as well as the first respondent herein/writ petitioner, filed their affidavits in respect of their broad agreement and mutual understanding regarding the worship of the Deity as well as the **“தல விருட்சம்”** *[Peepal Tree]*.

8. A reading of the affidavits filed by the respective parties, along with the apprehensions expressed by the Learned Additional Advocate General, gives the impression that the villagers are willing to worship at the temple peacefully, provided there are no restrictions imposed by either side. In fact, **Arulmigu Mariamman Thirukkovil**, administered by members of the other community, recently celebrated its festival, which was conducted peacefully and



without any disturbance. Therefore, there need not be any apprehension in the mind of the State/appellants that allowing public worship at the ***Sri Muthalamman Temple***, administered by the *Vellalar [Pillaimar] Uravinmurai*, will cause any law and order issues.

9. As pointed out earlier, the bone of contention between the parties lies solely in respect of the worship of the “**தல விருட்சம்**” [***Peepal Tree***] and form of its worship. In the affidavits, both parties have now agreed not to disturb the “**தல விருட்சம்**” [***Peepal Tree***] in any manner, except to go around it without lighting any lamps, garlanding it, or causing any harm to the tree in the temple. They have also agreed not to touch the “**தல விருட்சம்**” [***Peepal Tree***] to apply sandalwood paste, kumkum, or any other powder. The worshippers to be instructed not to touch the “**தல விருட்சம்**” [***Peepal Tree***], and a public notice board will be displayed near the temple. Furthermore, the Learned Counsels have agreed that the form of worship regarding the “**தல விருட்சம்**” [***Peepal Tree***] will be sorted out by the parties with the intervention of the Hindu Religious and Charitable Endowments Department.

10. This Court, upon a harmonious reading of the affidavits and the submissions made by the Learned Counsels, who have shown a deep interest in



arriving at a peaceful solution to this decade-long dispute, and with all appreciation for the great efforts made by them along with the Learned Additional Advocate General appearing for the Appellants, dispose off the Writ Appeal with the following directions:

1. The appellants shall not prevent the first respondent herein/writ petitioner and his community members from administrating the temple in any manner.
2. The temple shall be opened to the public, irrespective of caste, community, or place of residence.
3. The worship of the Deity inside the temple shall open for worship to all without any restrictions.
4. The “தல விருட்சம்” [*Peepal Tree*] inside the temple shall not be disturbed in any manner for any reason. No person shall touch the tree, whether in connection with worship or any other act, either religious or non-religious.
5. The Joint Commissioner, Hindu Religious and Charitable Endowments Department, Dindigul, is directed to initiate proceedings under Section 63(e) of the Hindu Religious and Charitable Endowments Act, which empowers him to decide on the customs or



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established usage of the religious institution, specifically concerning the form of worship of the “தல விருட்சம்” [Peepal Tree].

[a]. These proceedings shall be commenced promptly either *suo motu* or upon receiving a request from the District Collector, who is the first appellant herein.

[b]. The Joint Commissioner shall complete the enquiry within one year from the date of receipt of a copy of this order and pass order. The Joint Commissioner shall issue a notice to all the parties and to the general public of the village who are interested in the proceedings, and shall provide them with the necessary opportunity to participate.

6. The Appellants herein shall take all necessary measures to provide protection to all parties concern for the implementation of this order. There is no doubt that the Appellants will take all safety precautions to ensure the successful implementation of this order.



7. No order as to Costs. Consequently, connected miscellaneous petition is closed.

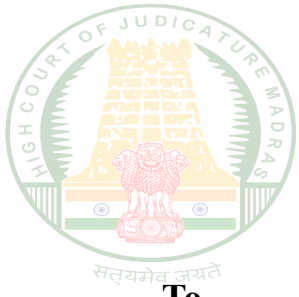
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[G.J., J.] & [R.P., J.]
21.04.2025

NCC : Yes / No
Index : Yes / No

KSA

Note : Issue a copy of order on 23.04.2025



To
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1. The District Collector,
District Collectorate Complex,
Madurai District.
2. The Revenue Divisional Officer,
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DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

KSA

Judgment made in
W.A.(MD)No. 1624 of 2024

21.04.2025