

W.P(MD)No.28909 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.28909 of 2024

and

W.M.P(MD)Nos.24490 & 24491 of 2024 and 4699 of 2025

1.Rengasamy

2.L.Panneerselvam

3.V.Sathiah

4.M.Rajendran

... Petitioners

Vs.

1.The Revenue Divisional Officer cum
Sub Divisional Magistrate,
Aranthanghi,
Pudukottai District.

2.The Tahsildar,
Aranthanghi Taluk,
Pudukottai District.

3.Vellaichamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the order of the first respondent in Na.Ka.No.1111/2024/A2, dated 13.05.2024 and quash the same as illegal.



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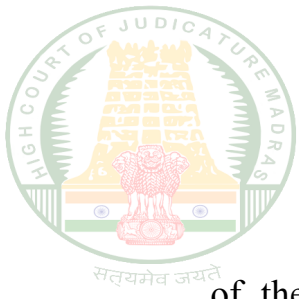
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For Petitioners : Mr.R.Suriya Narayanan
For R-1 & R-2 : Mr.M.Senthil Ayyanar
Government Advocate
For R-3 : Mr.R.Paranjothi
for M/s.KBS Law Office
For Proposed
Party : Mr.S.Alagu Sundar

ORDER

This writ petition is filed by the petitioner to quash the proceedings in Na.Ka.No.1111/2024/A2, dated 13.05.2024 passed by the first respondent.

2. The learned Counsel appearing for the petitioner would submit that there is a village Temple, Sri Narayana Perumal and Sree Ariyanayagi Ambal Temple situated in Vallambarkaadu Village in Aranthanghi Taluk, Pudukottai District and the same is more than 100 years old Temple managed and administered by the village people and also belongs to Vallambar Community. Originally, five clans of the said community formed five Karaithars to conduct the yearly Panguni festival



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of the Temple. They are Vethan Karai, Periyapitchan Karai, Dhillan Karai, Koti Karai and Oruthan Karai. Each Karaithars represented by own family members. Till 2019 they are conducting festival by collecting taxes from the village people and Karai Vari from the Karaidhars. While so, one Vellangan Karaithars filed a suit for declaration and injunction in O.S.No.22 of 2020 on the file of the District Munsif, Aranthanghi against the Oruthan Karaithars to declare that they also have right to conduct the festival and restrain the defendants from interfering with their right and the same is pending. In the meantime, the third respondent herein, who belongs to the Vellangan Karaithar filed a writ petition in W.P(MD)No. 23066 of 2021 seeking a direction to the official respondents to ensure that Thala Vari (Head tax) is collected from all the Karaithars and also to distribute them with Prasadam (Kalanji) without any discrimination and ex communication. The said writ petition was allowed and the Vellangan Karaithar is also recognized as sixth Karaithar and from them also tax has to be collected and Prasadam has to be given to them. While so, the third respondent and other Vellangan Karaithars gave a petition to the first respondent and then they conducted a peace committee meeting on 13.05.2024 by calling upon them along with the third and fifth Karaithars

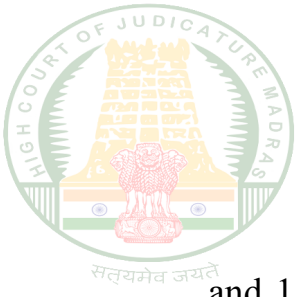


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and made a unilateral decision in Na.Ka.No.1111/2024/A2, dated 13.05.2024 that during the 2024 Panguni festival, the village Ambalam and the priest should receive Thalaikattu Vari from all the village people and the Prasadham would be distributed to them. In the said order, the Thalaikattu Vari shall be received as 5/1 and 5/2. There is no dispute in respect of the fifth Karaithars and there is a dispute between the third Karaithar and sixth Karaithar. Therefore, the order passed as if the disputes between the fifth Karaithar and thereby, passed an order to receive the Vari as 5/1 and 5/2. Therefore, the said order has to be set aside.

3. The learned Government Advocate appearing for the respondents 1 and 2 would submit that there is a dispute between the Karaithars in respect of conducting festival at Sri Narayana Perumal and Sree Ariyanayagi Ambal Temple Mandagapadi and thereby, they conducted peace meeting. In the peace meeting, there is a resolution, dated 13.05.2024 that the Temple festival has to be conducted in a peaceful manner and the Thalaikattu Vari has to be collected by the Oor Ambalam and Poosari from all the Karaithars without any discrimination



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and 1 to 4 Karaithars can collect the Karai Vari as collected earlier and since there is a suit pending in respect of fifth Karaithar, the said Vari can be received as 5/1 and 5/2. All the parties are agreed for that. These petitioners also appeared and participated in the peace meeting and they arrayed as 'C' party in the proceedings. Now they filed this petition.

4. The learned Counsel appearing for the third respondent would submit that since the other Karaithars have not recognized the sixth Karaithar, namely, Vellangan Karaithar they lodged a complaint before the revenue authorities and the revenue authorities also conducted peace meeting. In the peace meeting, all the Karaithars agreed to receive Vari from the third respondent, Vellangan Karaithar as per the order passed by this Court in W.P(MD)No.23066 of 2021. Therefore, the order passed by the first respondent is in order and the present petition is liable to be dismissed.

5. This Court had heard both sides and perused the materials available on record.



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6. According to the petitioner, the first respondent conducted peace meeting in respect of conducting festival at Sri Narayana Perumal and Sree Ariyanayagi Ambal Temple Mandagapadi. In that, the third respondent, namely, Vellangan Karaithar also have to take part in the Temple festival and they also can pay Thalaikattu Vari tax to the Temple and this Court also in W.P(MD)No.23066 of 2021 recognized the sixth Karaithar, namely, Vellangan Karaithar as Karaithars to the Temple. While so, the third respondent Vellangan Karaithar lodged a petition before the revenue authorities and the revenue authorities also passed order after discussion. All the parties also admitted to receive Vari from the Vellangan Karaithar. But in the order, the first respondent mentioned as the present tax from the Vellangan Karaithar can be received as 5/1 and 5/2. There is no any dispute between the fifth Karaithars and Vellangan Karaithar and the suit has been filed by the Vellangan Karaithar as against the third Karaithar. Therefore, the order was passed as if there is a dispute between the fifth Karaithar and Vellangan Karaithar.



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7. In view of the same, this Court clarifies that there is no any dispute between the fifth Karaithars and thereby, the tax from the Vellangan Karaithar can be received as sixth Karaithar not as 5/1 and 5/2.

8. In view of the same, the order passed by the first respondent is modified to the effect that since the case is pending before the civil Court between the third Karaithar and sixth Karaithar, tax can be collected from the Vellangan Karaithar as sixth Karaithar, not as 5/1 and 5/2.

9. With the above said terms, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

06.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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P.DHANABAL, J.

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