

WP (MD) No.21919 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.21919 of 2023

and

WMP (MD) No.18285 of 2023

E.Sankaran

... Petitioner

Vs

1.The District Collector,
Tirunelveli District.

2.The Joint Commissioner,
HR & CE Department,
Tirunelveli District.

3.The Superintendent of Police,
Tirunelveli District.

4.The District Revenue Officer,
Tirunelveli District.

5.The Tahsildar,
Palayamkottai,
Tirunelveli District.

5.The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to give permission adequate



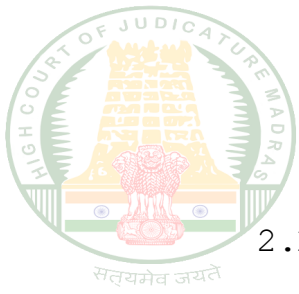
WP (MD) No.21919 of 2023

security for conducting temple festival in Tamaraiselvi hamlet, Itteari village Tirunelveli District namely, Selva Vinayagar Temple, Nallatchi Amman Temple, Thalavaimadasamy Temple and Utchimakali Amman Temple as per existing customary rituals.

For petitioner : Mr.K.P.Narayanakumar
For Respondent : Mr.G.V.Vairam Santhosh,
No.1,4 and 5 Additional Government Pleader
For Respondent : Mr.S.P.Maharajan,
No.2 Special Government Pleader
For Respondent :Mr.Kottaichamy,
Nos.3 and 6 Government Advocate (Crl Side)
For proposed :Mr.R.Anandha Raj &
Respondents Mr.T.Antony Arul Raj

ORDER

The petitioner claims that he belongs to Saiva Pillaimar community and his forefathers have established the temples in dispute. During the festival period, only vegetarian foods are placed before the deities as offering.



WP (MD) No.21919 of 2023

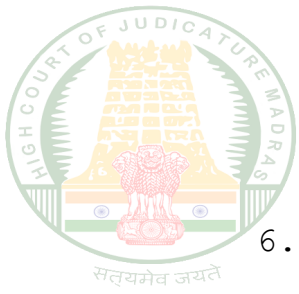
2.Mr.A.Anandha Raj and Mr.Antony Arul Raj,

learned Counsel seek permission of this Court to file impleading petition that they are the devotees of the temples. There is a traditional practice from time immemorial that non-vegetarian foods are placed as offering during the festival.

3.The learned Counsel on either side submits that the temple is under the administration of the Hindu Religious and Charitable Endowments Department.

4.The Special Government Pleader appearing for the 2nd Respondent, HR & CE Department submits that they are not permitting offering of non-vegetarian food during the festival to the deity. If this Court directs the HR and CE Department to appoint any Special Officer for conducting the festival this year, they are prepared to do the same.

5.This Court considered the rival submissions.



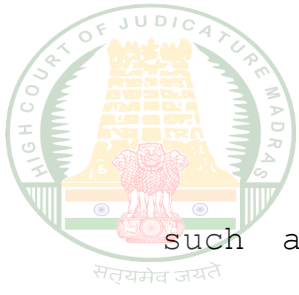
6.The petitioners are Saivaites and they are having their own practice of offering only vegetarian-foods to the deity during the festival. Though the other group claims that there is a practice to offer non-vegetarian food to the deity, they have to respect the sentiment of the petitioner.

7.Since the festival is scheduled to be held this month, this writ petition is disposed of with the following directions:

(i) The 2nd respondent shall appoint a Special Officer to the temples in dispute for conducting the festival for this year in a peaceful manner; The Special Officer shall ensure that all the community people are permitted to offer worship;

(ii) The 6th respondent shall provide adequate police protection for conducting the festival;

(iii) If the other groups want to offer non-vegetarian food to the deity, they can file an application before the 2nd respondent / the Joint Commissioner adduce evidence, establish the same and get their grievance redressed and if



WP (MD) No.21919 of 2023

such an application is filed, the 2nd respondent shall consider the same and pass appropriate orders, without being influenced by any of the observations made in this order. No costs. Consequently connected miscellaneous petition is closed.

12.09.2023

Internet : Yes/ No

Index : Yes/ No

NCC : Yes/ No

Note: Issue order copy on 13.09.2023.

dsk

To

- 1.The District Collector,
Tirunelveli District.
- 2.The Joint Commissioner,
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Tirunelveli District.
- 3.The Superintendent of Police,
Tirunelveli District.
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5/6



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VERDICTUM.IN



WP (MD) No.21919 of 2023

B. PUGALENDHI, J.

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WP (MD) No.21919 of 2023

12.09.2023