

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.14985 of 2022

and

W.M.P.(MD) Nos.10722 and 10723 of 2022

M.Mathi Murugan

.. Petitioner

Vs.

- 1.The Hindu Religious Charitable
Endowments Department,
Rep., by its Commissioner,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.
- 2.The District Collector,
Pudukkottai District,
Pudukkottai.
- 3.The Joint Commissioner,
Hindu Religious and
Charitable Endowment Department,
Thanjavur.
- 4.The Assistant Commissioner,
Hindu Religious and
Charitable Endowment Department,

Near Municipality Office,
Pudukottai District.

5.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Aranthangi, Pudukottai District.

6.The Tahsildar,
Aranthangi Taluk Office,
Pudukottai District.

7.Shri Mnagala Nayaki Amman Temple,
Rep., by its Trustee, D.Pakkirisamy,
Ammankoil East, Mangalanadu Post,
Aranthangi Taluk, Pudukottai District.

8.A.Thangappa

9.K.Vairavan

10.R.Saravana Muthu

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to appoint an Executive Officer to the religious Institution namely Shri Mangala Nayaki Amman Temple in Mangalanadu North Village, Arasarkulam Division, Aranthangi Taluk, Pudukottai District and Consequently forbear Respondents No.7 to 10 from collecting tax or money or donation from the public and consequently ensure that the members of the Scheduled Caste Community are permitted to worship at the said temple without any hindrance.

For Petitioner : Mr.S.Rajasekar

For RR1 to 6 : Mr.P.Subbaraj
Special Government Pleader

For RR7 to 10 : Mr.M.Anbarasan

ORDER

Seventy five years after the country has secured Independence from the Colonial Rule and after constituent assembly had been given to its country men a sovereign, socialist, secular democratic republic, securing to its citizens, Justice, social economic and political; Liberty of thought, expression, belief, faith and worship, Equality of status and opportunity to all and fraternity assuring the dignity of an individual and the unity and integrity of this nation, instances as set out in the case on hand should make each of us hang our heads in shame.

2. In this country, which has assured liberty *vis-a-vis* religion and equality of status, persons like the petitioner who belong to the

marginalised society are prevented from even offering prayers to the God almighty who belongs to all of us.

3. The petitioner has knocked the doors of this Court seeking to have an Executive Officer appointed in order to ensure his right to worship in the Arulmighu Shri Mangala Nayaki Amman Temple, Mangalanadu North Village, Arasarkulam Division, Aranthangi, and to permit him and his community people participating in the festivals of the temple. A few persons claiming to be superior to the members of the petitioner community only by reason of their birth into a particular community is seeking to prevent the petitioner and the members of his community from worshipping in the said temple. This Court cannot be a mute spectator and permit perpetuation of the practice of untouchability. Therefore, this Writ Petition is disposed of giving direction to the second respondent to ensure compliance of the decision arrived at in the Peace Committee Meeting held on 13.12.2021 between the two parties.

4. The persons who have been arrayed as the 'B' party and who are obstructing the entry of the petitioner community into the temple are represented by counsel. It is made clear that they shall adhere to the decision of the Peace Committee Meeting. It is no doubt true that there is no legal force to the Peace Committee Meeting, but having participated in the same, they are bound by the decision taken therein. The District Collector, Pudukottai District, shall ensure that the petitioner and his community people are permitted to worship at the temple like everyone else. In case of any problem, the Revenue Divisional Officer, Aranthangi, Pudukottai District, who has been arrayed as the fifth respondent shall step in and take necessary action in this regard. Further, since the act of the members of the 'B' party is an affront to the very social fibre guaranteed by the constitution and attempt on the part to create a law and order problem disturbing public peace and order shall be dealt with strongly by the police. If necessary and taking into account the ground situation and if there is a disturbance to public order, the police authorities are at liberty to invoke the provisions of Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law

Offenders, Drug Offenders, Forest-Offender, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum-Grabbers and Video Pirates Act, 1982 against any person indulging in the above activity. The writ petition is disposed of on the above lines. No costs. Consequently, connected miscellaneous petitions are closed.

19.04.2023

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

abr

To

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P.T.ASHA, J.

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