

WP CRL.(MD). No.3887 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 03.09.2026

Delivered on : 01.10.2026

CORAM

THE HON'BLE DR. JUSTICE P. MURUGAN

W.P.CrI.(MD) No. 3887 of 2026
{CNR: HCMD010943312026}



Case QR

N.Senthil Murugan,
S/o Nallaperumal Konar,
45, Muthu Naicker Kovil Street,
Thoothukudi,
Thoothukudi District.

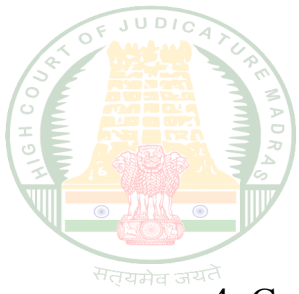
... Petitioner

Vs.

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

2. The Inspector of Police,
North Police Station,
Thoothukudi,
Thoothukudi District.

3. P.Balamurugan,
S/o Paramasivam,
D.No. 11/362-2, Iruthayammal Nagar,
Thoothukudi,
Thoothukudi District.



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4. C. Ganapathy,
S/o Chellappa,
D.No. 49/3a/3b,Ponnagaram,
Thoothukudi Taluk,
Thoothukudi District.

5. C.Paramasivan,
S/o S.Chellappa,
D.No. 11/32-12, Irudhaiyammal Nagar,
Thoothukudi Taluk,
Thoothukudi District.

6. A.Rajendiran,
S/o Aandaperumal,
D.No .50,Theppakulam Street,
Near Bethasda Lab,
Thoothukudi Taluk,
Thoothukudi District.

(R4 to R6 are impleaded as per order of this Court
dated 31.08.2026 in WPMP.Crl(MD).1143/2026
in WP.Crl(MD).3887/2026 by PMNJ.)

... Respondents

For Petitioner : Mr.Aayiram K. Selvakumar

For Respondents : Mr.C.Susikumar
Government Advocate (Criminal Side)
for R1 & 2

: Mr.A.Arun Ramanath for R4 to 6

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus by directing the respondents 1 and 2 to provide adequate police protection to conduct the Temple



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festival of Petitioner family God Sri Brahmmasakthi, Sri Petchiamman and Sri Vembadi Sudalaimada Swamy Temple situated at Muthu Naicker Street, Thoothukudi North, which is scheduled to be held from 17.08.2026 to 19.08.2026 based on the petitioner's representation dated 30.06.2026.

ORDER

This relief sought for in this Writ Petition is to direct the respondents 1 and 2 to provide adequate police protection to conduct the Temple festival of Sri Brahmmasakthi, Sri Petchiamman and Sri Vembadi Sudalaimada Swamy Temple situated at Muthu Naicker Street, Thoothukudi North, which is scheduled to be held from 17.08.2026 to 19.08.2026 based on the petitioner's representation dated 30.06.2026.

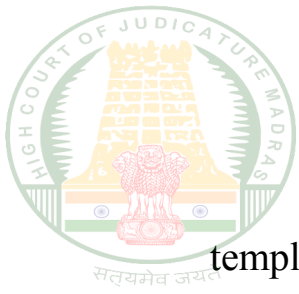
2. Brief facts is that the petitioner is an acting President of Sri Brahmmasakthi, Sri Petchiamman and Sri Vembadi Sudalaimada Swamy Temple situated at Muthu Naicker Street, Thoothukudi North. The petitioner's family have been worshiping the said deity. The said deity was established by their forefather, viz., Arumuga Konar. The said Arumuga Konar has 2 sons, viz., Shanmuga Konar



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and Arunachala Konar. After the demise of said Arumuga Konar, his son, viz., A.Shanmuga Konar was rendering the pooja of the said family deity for several years. The said Shamnuga Konar has 4 sons, viz., Chellappa, Kandasamy, Nallaperumal and Aandaperumal. After the demise of the said A.Shanmuga Konar, the petitioner, who is son of S.Nallaperumal Konar and, one Ramachandran, S/o Chellapa Konar were rendering pooja and conducting festivals for nearly 50 years in the capacity of President and Secretary respectively.

3. During the petitioner's father Nallaperumal Konar's tenure, he was cordially coordinating every one of the family of Arumuga Konar heirs as one family and was conducting pooja in an amicable and smooth manner to the said family deity. Nallaperumal Konar died in the year 1995. After his demise, the family members of Chellapa Konar were dominating the temple festival as they were majority in numbers. They have not conducted proper temple festival which ought to be conducted every year. The petitioner and other family members were consistently urging them to conduct pooja and festivals together, where the heirs of Chellapa Konar are disturbing the petitioner's peaceful worshipping and maintaining the



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temple as if they are claiming the temple belongs to them.

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4. Amidst of the great struggle, the petitioner conducted temple festival for the year 2023, as the petitioner's son availed orders from this Court in W.P (MD) No 20025 of 2023, dated 18.08.2023. In order to stall the festival, the third respondent filed a writ petition in W.P (MD) No. 20824 of 2023 and the same was dismissed on 25.08.2023. The third respondent is disturbing the petitioner's right to worship and restraining them from offering Kodai to the Temple. Therefore, the petitioner filed a suit in O.S.No 85 of 2023 on the file of Principal District Munsif, Thoothukudi, for declaration with respect to the right of worship to the family god and restraining the Ganapathy and 9 others including the third respondent from the disturbance for the peaceful conducting pooja and worship. The said suit is pending now.

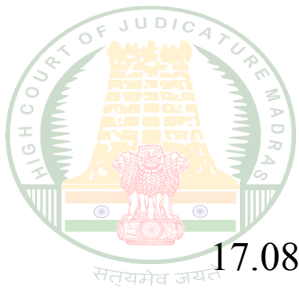
5. Due to the demise of the petitioner's another son, viz., Ramachandran, the petitioner could not be conducted the festival in 2024. Thereafter, the petitioner decided to conduct periodical Kodai festival for the year 2025, for which the petitioner's son sent a representation to the second respondent on 24.07.2025 with respect



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to permission and adequate police protection to conduct the temple festival, since it was not considered, the petitioner's son, viz., Muthu Ganesh filed a Writ Petition in W.P.Crl.(MD).No.974 of 2025. In the meanwhile the third respondent also filed a Writ Petition in WP.Crl (MD).No.872 of 2025 to grant adequate police protection for the same days, in order to prevent the petitioner to conduct the Kodai. Both the writ petitions were filed for conducting Kodai festival in their individual capacity.

6. Having no consence arrived, by common order dated 08.09.2025, it was ordered that in view of the dispute between the two petitioners, which has to be resolved only by the civil Court, the police can not interfere and grant protection. Therefore, this Court was not inclined to issue any direction to the respondent police to provide police protection as prayed for in both the writ petitions. Thereby, both the writ petitions were dismissed. Having the Kodai festival not conducted, the petitioner's relatives felt unhappy as their offering is not fulfilled. The third respondent's group are not interested to conduct any festival. In the year 2026 also, the petitioner decided to conduct periodical Kodai Festival from

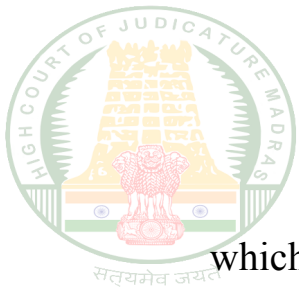


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17.08.2026 to 19.08.2026. For that purpose, the petitioner submitted a representation before the respondent police in person on 22.06.2026. Having no action from the respondent police, the petitioner sent representation to the respondents 1 and 2 on 30.06.2026 by RPAD. Since there is no response, this writ petition has been filed.

7. Heard both sides. Perused the records. Considered the submissions raised by both sides.

8. From the facts narrated above, in the last year when the petitioner's son and the third respondent approached this Court for police protection to conduct the festival by separate writ petition to conduct festival by separately for the same day. Having there was no consence, both the petitions dismissed directing both the petitioners therein to work out the remedy before the civil Court. Further facts from the petitioner's affidavit stated above disclose the petitioner filed a civil suit in O.S.No.85 of 2023 for declaration of worshipping the temple right and also permanent injunction, restraining the defendants, including the third respondent herein, for peacefully conducting pooja and worship of the subject temple



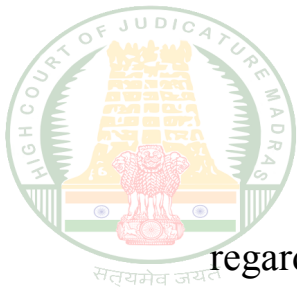
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which is pending. The learned counsel for the petitioner submitted that the suit in O.S.No.85 of 2023 is reserved for judgment, but as of now when the arguments was taken place no judgment has been passed.

9. This Court, by an order, dated 11.08.2026 directed the petitioner and the third respondent to appear before this Court on 13.08.2026 for formal enquiry, regarding the conduct of temple festival.

10. As per the orders dated 17.08.2026 on the request of the petitioner that the civil suit was posted for judgment, this case was adjourned to 19.08.2026. As per the orders of this Court dated 19.08.2026, it was submitted by the learned counsel for the petitioner that the temple festival postponed to 15.09.2026 and the third respondent may have no objection, subject to the Devasthanam being permitted to participate in the festival.

11. At this juncture, the learned counsel for the third respondent sought an adjournment to obtain and file an affidavit from the third respondent in that regard. If the third respondent files any affidavit, the petitioner was permitted to file affidavit with



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regard to the schedule of festival and the program details. Recording the same, the case was adjourned to 21.08.2026. On 21.08.2026, the third respondent filed an affidavit before this Court, but, it was not in proper format. Therefore, the third respondent sought time to come up with the proper affidavit.

12. As per the order dated 24.08.2026, the petitioner filed affidavit dated 21.08.2026, suggesting a future date for celebrating the temple festival. The learned counsel for the third respondent expressed his inability to make any submission at this stage stating that the third respondent is working in Chennai and has gone there to attend his work. Therefore, he sought some time to obtain a better affidavit from the third respondent. It was recorded in the said order that, if the third respondent does not come forward with an affidavit, this Court would hear the parties on the basis of the records available and to pass orders on merits. The learned counsel for the third respondent informed the Court that he would advise the third respondent to file an affidavit before this Court.

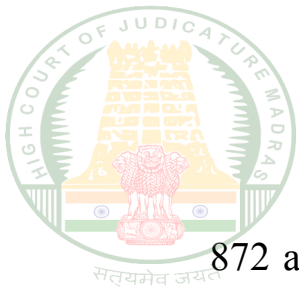
13. As per the order dated 28.08.2026, it was recorded that the learned counsel for the third respondent submitted that the third



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respondent is not ready to file an affidavit as per the earlier undertaking given by the third respondent, through his counsel. It was recorded. Then the three proposed parties filed an application to implead them as respondents and after recording, it was adjourned to 31.08.2026. As per the orders of this Court dated 31.08.2026, in the interim application in W.M.P.(Crl.) (MD) No.1143 of 2026, the proposed respondents have been impleaded as parties in this case, as respondents 4 to 6 and the matter has been adjourned on the ground that the Principal District Munsif, Thoothukudi, will deliver the judgment in O.S. No. 85 of 2023 in the meantime. Thereafter, the matter was listed on 03.09.2026 and after hearing both sides, it was reserved for orders.

14. From the facts narrated above though there was a friction in the family of the Nalla Perumal Konar and Chellappa Konar to conduct festival and worship the subject deity and for the year 2025, when the petitioner's son and the third respondent approached this Court seeking police protection to conduct the Kodai festival separately and having no consence reached both the writ petitions dismissed by common order dated 08.09.2025 in W.P.Crl.(MD)Nos.

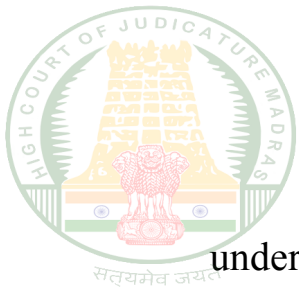


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872 and 974 of 2025 holding that the dispute between the two rival parties have to be resolved only by the civil Court. It is also evidenced from the records submitted by both sides, the petitioner already filed a suit in O.S.No.85 of 2023 for declaration and injunction relief for worshiping and conducting temple festival to the subject deity and also restraining the defendants therein and in which the third respondent also one of the defendants.

15. Having the comprehensive suit was pending before the civil Court and approaching this Court for police protection permitting them to conduct the festival, which is a subject of the suit cannot be entertained straightaway. This Court also tried to convince the parties to conduct the Kodai festival in this year with consence subject to the out come of the suit in O.S.No.85 of 2023. However, both the petitioner and the private respondents 4 to 6 stood their own stand that they may be permitted to conduct the festival separately, but not jointly. Therefore, no effective order has been passed, permitting the petitioner to conduct the temple festival. Anyhow civil suit is the right way to decide the rights of the parties.

16. This order was already dictated to the P.A. and it was



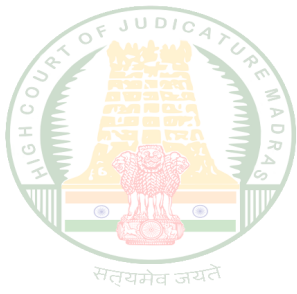
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under typing. At that juncture, the learned counsel for the petitioner mentioned that the civil case in O.S.No.85 of 2023 was disposed of by the Principal District Munsif Court, Thoothukudi, on 18.09.2026 by decreeing the suit by permitting all the Clans or lineage of Arumuga Konar to conduct the pooja and administration on roation basis of every year and placed a copy of the judgment. In the judgment, all the six legal heirs of Arumuga Konar have given the right to administer the subject temple for one year on rotation basis. That judgment is in clear term vesting the rights of each legal heirs of Arumuga Konar. Therefore, this Court may consider it before pronouncing the order in this case.

17. Though this Court taken the above view as per the preceding paras, but before listing this matter for orders, the learned counsel for the petitioner brought to the notice of the judgment passed by the Principal District Munsif Court. Therefore, it is just and necessary to extract the prayer sought for in the said suit and the result given by the civil Court is as follows:

“The prayer in that suit is as:

This suit was instituted on 24.03.2023
under Section 26 read with order IV Rule 1 and



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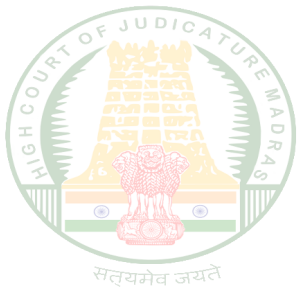
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Order VII Rules 1 to 7 of the Code of Civil Procedure, 1908, seeking a declaration that the plaintiff schedule temple is the family temple of the plaintiff and the plaintiff and his family members have the right to enter the temple, offer prayers and perform poojas as and when required, a consequential permanent injunction restraining the defendants, their men, agents, or any person claiming through or under them from in any manner interfering with or preventing the plaintiff or his family members from entering the temple and offering prayers and poojas to the deity, a mandatory injunction directing the defendants to hand over one of the keys of the temple to the plaintiff, and a further direction that the management and administration of the temple be undertaken by the plaintiff for one year and by the defendants for the succeeding year on a rotational basis, along with such other reliefs as this Hon'ble Court may deem fit and proper and costs of the suit.

The operative portion of judgment in O.S.No.85 of 2023 is as :

In result, the suit is decreed in part on the following terms:-

It is hereby declared that the suit schedule temple is a family temple of the descendants of Arumuga Konar through his sons, namely, Shanmuga Konar and Arunachala Konar, and their respective legal heirs. The plaintiff, being one of the descendants of Arumuga Konar through his son Shanmuga Konar, is entitled to enter the suit temple, worship the deity, offer prayers and perform pooja in accordance with the established practices of the temple. The defendants, their men, agents or any person claiming through or under them are hereby



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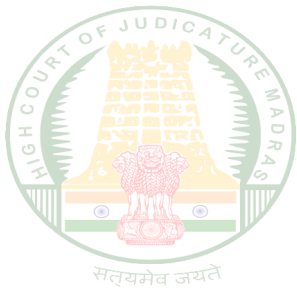
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permanently restrained from interfering with of preventing the plaintiff from entering the suit temple and exercising his right of worship. No branch or individual member of the family shall claim any exclusive right over the temple so as to obstruct any other member of the family from exercising his or her right of worship.

2. The defendants are hereby directed to cause six duplicate keys of the suit temple to be prepared and to entrust one key to each of the six branches of the family, namely, (i) the branch of ChellappaKonar, (ii) the branch of Kandaswami Das, (iii) the branch of Nallaperumal, (iv) the branch of Aandaperumal, (v) the branch of Chandran and (vi) the branch of Navaneetha Krishnan. Each branch shall nominate a person to have custody of the key on its behalf.

3. The custody of the respective keys shall be only for the purpose of facilitating access to the suit temple and enabling the members of the respective branches and other members of the family to exercise their right of worship. Such custody shall not confer upon any branch or any person having custody of the key any exclusive right of ownership, possession or permanent management over the temple.

4. The administration and management of the suit temple shall be carried on by the aforesaid six branches on a rotational basis, each branch taking charge for a period of one year, in the following order: (i) ChellappaKonar branch; (ii) KandaswamiDas branch; (iii) Nallaperumal branch; (iv) Aandaperumal branch; (v) Chandran branch; and (vi) Navaneetha Krishnan branch; and thereafter the rotation shall continue in the same order.



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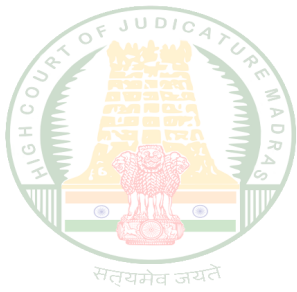


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5. The preparation and distribution of the six duplicate keys shall be independent of the rotational arrangement for administration and management of the temple. The branch having administrative charge during a particular year shall not be entitled to demand surrender of the keys held by the other branches. However, the parties in possession of the key shall give prior intimation to the branch having administrative control over the temple during the relevant period regarding their intended opening of the temple. Such prior intimation shall be solely for the purpose of maintaining transparency and ensuring accountability in the handling, protection and safeguarding of the temple properties, as well as for making necessary arrangements for the Poojari and performance of Poojai.

6. The branch having charge of the administration during the relevant year shall be responsible for the day-to-day affairs of the temple, including regular poojas on Tuesday and Friday, annual KovilKodai and other customary religious functions, and shall maintain proper and complete accounts of all income and expenditure relating to the temple.

7. The temple funds shall, as far as practicable and subject to applicable banking requirements, be maintained in a bank account in the name of the deity/temple or joint account of office-bearers and shall not be kept in the personal custody of any individual member. Proper accounts shall be maintained and made available for verification by the representatives of all the six branches.



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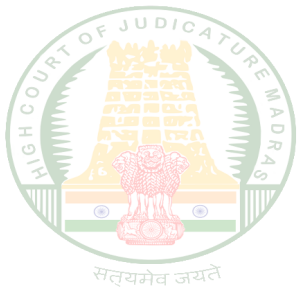
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8. At the expiry of every one-year term, the outgoing branch shall convene a meeting of the representatives of all the six branches after giving prior notice to all the branches, specifying the date, time and place of such meeting. The administration and management shall be handed over to the succeeding branch in the said meeting.

9. At such annual meeting, the outgoing branch shall produce the accounts of the preceding year, including the particulars of income, expenditure and balance amount, and shall hand over the same, together with the records and other temple articles relating to the administration, to the succeeding branch. The handing over and transfer of management shall be conducted openly and transparently in the presence of the representatives of all the six branches and shall be duly recorded.

10. If the branch whose turn has arisen is unwilling or unable to undertake the administration during that particular year, such unwillingness or inability shall be expressed in writing and produced before the said family meeting. Thereafter, the administration shall pass to the immediate succeeding branch in the order of rotation, and such fact shall be duly recorded in the proceedings of the meeting. The branch which has declined to take charge shall, continue to participate in the rotation in the succeeding cycle in the ordinary course.

11. The branch having charge of the administration during a particular year shall act only as the administrator for that period and shall hold the temple funds, records and other articles for the benefit of the family temple. Such administration shall not confer upon that branch



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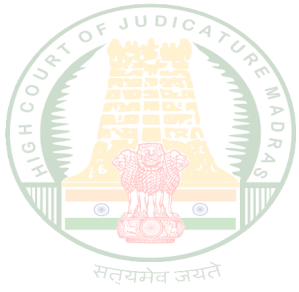
any exclusive right of ownership, possession or permanent management over the temple.

12. Every member of the family, including female members and the legal heirs belonging to the aforesaid six branches, shall have the right to enter the suit temple and offer worship in accordance with the established practices of the temple. No branch or individual member shall obstruct such right of worship.

13. The rotational right of administration is attached to the turn of each branch and is limited to one year. The non-conduct of the KovilKodai, whether due to the death of a family member or any other unfortunate intervening event, does not extend the branch's tenure or postpone the turn of the succeeding branch. Upon expiry of the allotted period, administration shall pass to the succeeding branch in the established order of rotation.

14. The above arrangement is made for the purpose of ensuring the peaceful, transparent and accountable administration of the family temple and shall not be construed as conferring any exclusive right upon any particular branch. There shall be no orders as to costs.”

18. Recording the above, having the civil Court decided the rights of the parties, in O.S.No.85 of 2023, this Writ Petition is dismissed, with a direction to the parties to abide the civil Court decree as per law.



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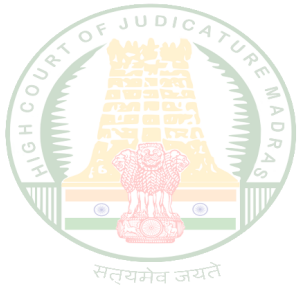
19. In the result, this Writ Petition is dismissed, with the observation that the parties are directed to abide the civil Court decree passed in O.S.No.85 of 2023 on the file of the Principal District Munsif, Thoothukudi, in accordance with law.

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

01.10.2026

TO

1. The Superintendent of Police,
Thoothukudi,
Thoothukudi District.
2. The Inspector of Police,
North Police Station,
Thoothukudi,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.P.MURUGAN,J.

LS

**Pre-delivery order made in
W.P.Crl.(MD) No.3887 of 2026**

01.10.2026