



W.P.(MD)No.17592 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.17592 of 2023

Madasamy

... Petitioner

Vs

1.The Deputy Superintendent of Police,
Stattur Sub Division, Virudhunagar District.

2.The Inspector of Police,
Alangulam Police Station,
Virudhunagar District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent herein to grant permission to the temple festival held on 25.07.2023 and 26.07.2023 in pursuant to the “Aadi Thiruvizha and other cultural programmes in “Sri Vadakuthiamman Temple”, situated at Kongankulam Village, Cement Factory Alangulam, Vembakkottai Taluk, Virudhunagar District, by considering the petitioner’s representation dated 14.07.2023.

For Petitioner : Mr.R.Anand
for Mr.V.Maharajan

For R-1 & R-2 : Mr.B.Thanga Aravindh
Government Advocate (Criminal side)

For Intervenor : Mr.S.Ramasamy



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ORDER

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This Writ Petition is filed seeking for a direction to the respondent Police to provide Police protection to conduct the temple festival on 25.07.2023 and 26.07.2023 that the petitioner would perform the Aadi Thiruvizha and other cultural programmes in Sri Vadakuthiamman Temple as requested by the petitioner in the representation dated 14.07.2023.

2. It is submitted by learned counsel for the petitioner that Sri Vadakuthiamman Temple is situated in the Government poramboke land and that all the villagers have been worshipping in the temple for the past 70 years. The petitioner is proposed to conduct the festival on 25.07.2023 and 26.07.2023, however, the Police have declined permission to conduct the festival and therefore, sought for suitable directions.

3. Mr.S.Ramasamy, Advocate has intervened on behalf of one Balakrishnan, belonging to the rival group to the petitioner (“B” group as per the Peace Committee Meeting) and submitted that the temple was built in the Government Poramboke land, by the forefathers of “B” group and since long time, the “B” group has been conducting the festival without any objections including the petitioner. But, for the first time, the petitioner is coming forward to conduct such a festival in the village which may be likely to create tensions, law and order problem.



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4. Learned Government Advocate (Criminal Side) on the other hand submits that, on account of the petitioner intending to perform festival in the village, law and order problem, may likely to arise. It is further submitted that for worshipping the temple by the petitioner, nobody will raise any objections, but, in case, if festivals are allowed to be conducted, there may be issues between the two groups.

5. Heard the submissions of all the parties through their respective counsel and perused the records.

6. Irrespective of the fact that the rival group to the petitioner has constructed the Temple, since the villagers have been worshipping in the temple, since long time the petitioner can also perform the festival in their own manner without disturbing the peace and tranquility in the village. In case, during the time when the “B” group is conducting the festival, the petitioner also intends to conduct the festivals on the same dates and therefore, the law and order problem may be likely arise. Therefore, the petitioner can be permitted to conduct the festivals on dates other than the dates are not earmarked to rival group in consultation with the Police and Tahsildar.



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7. Considering the above, this Writ Petition is disposed of, directing the petitioner to approach the respondent Police by giving an application afresh and respondent Police in consultation with the Tahsildar shall talk to the rival groups, including the petitioner and earmark the date and time for conducting the festival. The petitioner is further directed to restrict the festival for one day instead of two dates and conduct the festival in a peaceful manner and see that, the harmony in the village is not disturbed. The respondent Police are at liberty to impose suitable conditions while granting the permission. No costs.

21.07.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

Note : Issue Order Copy by 24.07.2023

tsg

To

1.The Deputy Superintendent of Police,
Stattur Sub Division, Virudhunagar District.

2.The Inspector of Police,
Alangulam Police Station,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN, J.

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