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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.19424 of 2023
and
W.M.P.(MD)No.16069 of 2023

R. Ramasamy

... Petitioner

vs.

1. The Assistant Commissioner,
Hindu religious and Charitable Endowment Department,
Thoothukudi-628 003.
2. The Executive Officer,
Arulmigu Muniyasamy Thirukovil,
Vilathikulam Town & Taluk,
Thoothukudi Distirct.
3. The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Thoothukudi.
4. The Inspector of Police,
Vilathikulam Police Station,
Vilathikulam, Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for



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issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent, dated 04.08.2023, consequentially, the order passed by the fourth respondent dated 04.08.2023 and quash the same.

For Petitioner : Mr.K.Kumaravel
For R-1 & R-2 : Mr.S.Kameswaran
Government Advocate
For R-3 & R-4 :Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)
For Intervenor :Mr.N.Dilip Kumar

ORDER

This Writ Petition has been filed to quash the impugned order, dated 04.08.2023.

2. The petitioner is seeking permission to celebrate the Kodai festival in the temple of “Arulmighu Muniyasamy Thirukovil” which is situated in Kottanatham Village, Vilathikulam Taluk, Thoothukudi District.



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3. However, the learned Government Advocate appearing for the Official respondents submitted that there is a rival group which has already conducted festival on 13.06.2023. Therefore, such permission cannot be granted.

4. The learned counsel appearing for the petitioner submitted that the petitioner's group is entitled to conduct the festival and already notice is affixed in the village intimating the conduct of the festival. At least the petitioner may be allowed to conduct the Annathanam.

5. It is seen from the records, regarding the same issue already two writ petitions were filed in W.P.(MD)Nos.13365 of 2023 and 13570 of 2023 and this Court vide order, dated 17.07.2023 has granted permission to offer prayer in the temple and declined to conduct any festival. Following the same, this Court is of the considered opinion that the petitioner group shall visit the temple and offer prayer without conducting any festival on 18.08.2023.



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6. At the time of filing this writ petition, the key of the temple was with the rival group. However today, when the matter is taken up for hearing, the learned Government Advocate appearing for the official respondents submitted that the key was handed over to the Executive Officer/Fit person and now, the keys of the temple is with EO / Fit Person. Therefore, the Fit person is directed to open the temple. The parties shall worship the Deity without any hindrance and disturb to the others. It is made clear that no festival shall be conducted by the petitioner's group for this year i.e., 2023.

7. With these observations and directions, this Writ Petition is disposed of.

Index : Yes / No

Internet : Yes

NCC : Yes / No

ksa/sml

10.08.2023

Note : Issue a copy of order on 11.08.2023



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To

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W.P.(MD)No.19424 of 2023

10.08.2023