



W.P.(MD)No.22004 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.09.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.22004 of 2023
and
W.M.P.(MD).No.18345 of 2023

S.Pandi

... Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Superintendent of Police,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

4.The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.

5.The Deputy Superintendent of Police,
Sivagangai Sub-Division,
Sivagangai District.

6.The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.

7.R.Thangam

8.Veeran

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent Nos.2, 5 and 6 to take necessary steps and provide adequate police protection for the petitioner to take karagam on 12.09.2023 and participation of the petitioner's family in Sri Muthumariamman Temple, Mulaikottu Festival, situated at South Valasaikadu, Salaigramam Post, Ilayankudi Taluk, Sivagangai District, scheduled to be held from 05.09.2023 to 13.09.2023 by considering the petitioner's representation, dated 30.08.2023.

For Petitioner : Mr.A.Karthik

For R-1 to R-6 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

For R-7 & R-8 : Mr.S.Malairavi

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a mandamus to respondent Nos.2, 5 and 6 to take necessary steps to provide adequate police protection for the petitioner to take karagam on 12.09.2023.

2. It is submitted by learned counsel for the petitioner that the petitioner has been taking karagam every year during the festival season and this year on 12.09.2023, the petitioner intended to take karagam, however, the

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opposition from the other persons. The petitioner has enclosed the pictures and also the paper news clippings to show that the petitioner has been bringing the karagam from the river to offer it to the deity.

3. Mr.Malairavi, Advocate, appeared on behalf of respondent Nos.7 and 8 submitted that the caste belonging to the petitioner and unofficial respondent Nos.6 and 7 there are nine sub castes / groups and every year, the persons from one sub caste / group will be permitted to bring the karagam and last year, the petitioner has filed W.P.(MD).Nos.20880 and 20648 of 2022 and the same was disposed of on 04.01.2023, wherein, initially orders were passed, permitting the petitioner to take the karagam and the said orders were modified again by way of another order in Rev.Apl.W.(MD).No.136 of 2023, wherein, it is clearly mentioned that the orders passed in W.P.(MD).Nos.20880 and 20648 of 2022 will not have any bearing in respect of the conducting the festival in future. Thereby, whatever permission is given to the petitioner for bringing the karagam was confined to same year.

4. Further, learned Government Advocate (Criminal Side) submits that a Peace Committee Meeting was conducted in respect of bringing of karagam between the petitioner and the opposing parties on 07.09.2023 and resolution has been passed, wherein, all the parties have agreed that this year



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there will not be any karagam though other reliefs of the festival can be permitted to continue. It is also brought to the notice that the petitioner has filed O.S.No.40 of 2020 in respect of the same relief and the said suit was dismissed and A.S.No.1 of 2023 is preferred by the petitioner and there are no interim orders passed in favour of the petitioner.

5. Considering the submissions made by both parties and on perusal of records, since the Civil Court has not granted any right to the petitioner to take karagam and since the petitioner has participated in the meeting before the Tahsildar on 07.09.2023, wherein, all the factions have agreed not to perform karagam in this year, since both the parties are not willing to perform karagam jointly, directions cannot be given in this petition to provide police protection to the petitioner for conducting of karagam, in case, this kind of directions are given, it would amount to give raise to the petitioner to perform karagam against the directions of the Civil Court.

6. In view of the above, there are no merits in the petition. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

11.09.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

<https://www.mhc.tn.gov.in/judis>



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To

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Sivagangai.
- 2.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
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- 5.The Deputy Superintendent of Police,
Sivagangai Sub-Division,
Sivagangai District.
- 6.The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN, J.

tsg

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