

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.22473 of 2023

B.Palanivel

... Petitioner

Vs

1.The District Collector,
Tenkasi District,
Tenkasi.

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

3.The Deputy Superintendent of Police,
Tenkasi District, Tenkasi.

4.The Inspector of Police,
Tenkasi Police Station,
Tenkasi.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 to 4 to grant permission for keeping the Vinayagar Idol in Thenpothigai Balavinayagar Temple, West Masi Street, Tenkasi on 17.09.2023 to 19.09.2023 and to perform poojas to the said Vinayagar statue and to immerse the same on 19.09.2023 at evening and give police protection for Vinayagar procession in Four Car Streets of Tenkasi Town surrounding the Kasi Viswanathar Temple,

Tenkasi and to immerse the statue in Sitraru river at Yanai Palam, Tenkasi based on the petitioner's representation dated 30.08.2023.

For Petitioner : Mr.S.Devarajan

For Respondents : Mr.B.Thanga Aravindh

Government Advocate (Crl.Side)

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a direction to the respondents 2 to 4 to grant permission for keeping the Vinayagar Idol in Thenpothigai Balavinayagar Temple, West Masi Street, Tenkasi on 17.09.2023 to 19.09.2023 and to perform poojas to the said Vinayagar statue and to immerse the same on 19.09.2023 at evening and give police protection for Vinayagar procession in Four Car Streets of Tenkasi Town surrounding the Kasi Viswanathar Temple, Tenkasi and to immerse the statue in Sitraru river at Yanai Palam, Tenkasi by considering the representation of the petitioner dated 30.08.2023.

2.It is submitted by learned counsel for the petitioner that the petitioner is one of the conveners of Vinayagar Sadhurthi Festival Committee of Thenpothigai Balavinayagar Temple. Every year, the Vinayagar Sadhurthi Festival will be celebrated in a grand manner by installing clay statue and later

the said statue will be taken out for immersion in Chitharu River.

3.He further submitted that this year also, they are proposed to conduct Vinayagar Sadhurthi festival on 17.09.2023 evening and celebration will be conducted on 18.09.2023 and 19.09.2023. Hence, he sent a representation 31.08.2023 to the respondents 1 to 3 through registered post seeking permission as well as police protection and on 30.08.2023, he had given a representation in person to the 4th respondent. Since the same have not been considered so far, he has filed this Writ Petition.

4.The petitioner's counsel has fairly submitted that they will install the idol within the temple premises with regard to the procession of Vinayagar idol to be taken out for immersion, the petitioner is ready to abide whatever the conditions imposed by the respondent Police in respect of the route of the procession.

5.The learned Government Advocate (Crl.Side) for the respondents submitted that in the year 2006 one Kumar Pandian was murdered in connection with the construction of Bazaar Mosque by muslims in the disputed site and in the year 2007, the brothers of the said Kumar Pandian were also

brutally murdered by muslims and in the year 2008, bombs were planted in RSS building and new bus stand of Tenkasi. In the year 2018, during the Vinayagar Sadhurthi festival in Shenkottai, riot broke out in which 14 cases were registered against both Hindu and Muslims and more than 55 persons were arrested and 12 persons were detained under Act 14 of 1982.

6.He has further submitted that on 14.09.2018 in Tenkasi town, two Hindu shops were burnt for which criminal cases have been registered. Further, more than 1000 Police personnel are deployed at Vinayagar Sadhurthi immersion procession. He further submitted that as per G.O.Ms.No.598, dated 09.08.2018, installation of idols near other religious places / Hospitals / Education Institutions should be avoided. Therefore, no idol could be permitted in Malayan Street as there is a Mosque and School near the requested place. He further submitted that in case if the permission is given for the petitioner to install Vinayagar idol and take out through procession for immersion, it will create law and order problem. Finally he has submitted that the permission sought for has already been rejected.

7.Heard the learned counsel on either side and perused the materials available on record carefully.

8. Every person in this Country will have a right to worship the God based on his / her religious faith. It has been a practice that in the temples, non-Hindu will come and worship, in the churches, non-Christians would have also come and worship and in all Muslim festivals, Hindu and other religious people would participate very actively. Therefore, whenever celebration of this kind are conducted, they shall improve the harmony amongst the people by creating brotherhood.

9. It is submitted by the learned counsel for the petitioner that though the respondent Police have rejected the permission citing various grounds, the Revenue Divisional Officer has granted permissions liberally to various groups of the people to install the idols in the town where the petitioner intends to install the idol. The petitioner has produced a copy of the proceedings in Roc.No.A1/4919/2023, (Tks-004), dated 15.09.2023, wherein permission was granted to install the idol at Manthai Essakiyamman Kovil, Melapuliyur, Senbaga Vinayagar Kovil near Barani Silks, Arulmigu Kasivisvanathar Kovil and Sri Santhi Vinayagar Kovil, Koolakkadai Street within Tenkasi Police Limits in Tenkasi Taluk of Tenkasi District with certain conditions. Once permission has been granted to others of the same town by the Revenue

Divisional Officer, the petitioner shall not be denied his right of installing the idols and celebrating the festival of Vinayagar Sadhurthi he shall not be discriminated.

10.Considering the facts and circumstances of the case, this Writ Petition is disposed of, directing the petitioner to file a fresh application before the respondent Police, on which, the respondent Police shall grant permission for installation of Vinayagar Idol to be installed within the temple premises and also grant permission to take out procession through the route, which is being decided by the Police.

15.09.2023

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

Yuva

Note: Issue Order copy on 15.09.2023.

To

1.The District Collector,
Tenkasi District,
Tenkasi.

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

3.The Deputy Superintendent of Police,
Tenkasi District, Tenkasi.

4.The Inspector of Police,
Tenkasi Police Station,
Tenkasi.

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

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DR.D.NAGARJUN, J.

Yuva

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