

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.A. Nos.1738 and 1739 of 2014
and
M.P. Nos.1 of 2014

1 A.M. Govindan
2 G. Raja Singh ...Appellants in W.A. No.1738 of 2014

Vs.

1 The District Collector
Dharmapuri District
Dharmapuri

2 The Revenue Divisional Officer
Dharmapuri

3 The Inspector of Police
Perumpalai Police Station
Dharmapuri District ...Respondents in W.A. No.1738 of 2014

1 A.M. Govindan

2 Murugan ...Appellants in W.A. No.1739 of 2014

vs.

1 A.G. Munusamy

2 V. Prakash

3 M. Seeragan

4 T. Perumal

5 P. Seeralan

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6 P. Muniappan

7 J. Muniappan

8 R. Mani

9 M. Sivakumar

10 M. Ramar

11 The Chief Secretary to Government
Government of Tamil Nadu
Fort St. George
Chennai 600 009

12 The District Collector
Dharmapuri District

13 The Superintendent of Police
Dharmapuri District

14 The Tahsildar
Pennagaram Taluk
Dharmapuri District

15 The Inspector of Police
Perumpalai Police Station
Dharmapuri District

16 The Village Administrative Officer
Aragasana Halli Village
Pennagaram Taluk
Dharmapuri District

...Respondents in W.A. No.1739 of 2014

Writ Appeals filed under Clause 15 of the Letters Patent challenging the order dated 25.11.2014 passed in W.P. Nos.24096 and 3913 of 2014 respectively.

W.P.No.24096 of 2014:

Petition filed under Article 226 of the Constitution of India praying this Hon'ble Court to issue a Writ of Mandamus directing the first respondent to pass orders on the basis of the peace committee meeting held by the second respondent on 15.01.2014, 08.7.2014 and 04.8.2014 and permitting the Gowda and Naidu people to perform function on Karinaal day and permitting the Vanniar community people on the next day to Karinaal.

W.P.No.3913 of 2014:

Petition filed under Article 226 of the Constitution of India praying this Hon'ble Court to issue a Writ of Mandamus directing the respondents to permit the members of the Vanniyar Community in Aragasana Halli Village, Pennagaram Taluk, Dharmapuri District to perform the Pongal festival and in particular Karinaal festival (the day immediately after Mattu Pongal) on the said Karinaal itself in the Mariamman and Vinayakar Temple in their village along with other community members or independently in order to maintain peace and harmony in the village as per the practice and custom that has been in vogue for many decades

For appellants in
both the appeals : Mr. P. Valliappan

For respondents in : Mr. P.S. Sivashanmugasundaram
W.A. No.1738 of 2014 Special Government Pleader

For RR 1 to 10 Mr. Babu Barveez
in W.A. No.1739 of 2014 for Mr. Senthamizhselvan

For RR 11 to 16 in Mr. P.S. Sivashanmugasundaram
W.A. No.1739 of 2014 Special Government Pleader

COMMON JUDGMENT

Both these writ appeals arise from the common order dated 25.11.2014 passed by the Writ Court in W.P. Nos.24096 and 3913 of 2014 respectively.

2 While W.P. No.24096 of 2014 was preferred by the appellants in W.A.No.1738 of 2014, W.P. No.3913 of 2014 was preferred by the respondents 1 to 10 in W.A. No.1739 of 2014.

3 The respondents 1 to 10 in W.A. No.1739 of 2014 filed W.P. No.3913 of 2014, seeking a direction to the official respondents to permit the members of the Vanniyar community in Aragasana Halli Village, Pennagaram Taluk, Dharmapuri District to perform the Pongal festival and in particular Karinaal festival (the day immediately after Maattu Pongal) on the said Karinaal itself in the Mariamman and Vinayakar Temple in their village along with other community members or independently in order to maintain peace and harmony in the village as per the practice and custom that has been in vogue for many decades.

4 Likewise, the petitioners in W.P. No.24096 of 2014 sought a mandamus to the first respondent, viz., the District Collector, to pass orders on the basis of the Peace Committee Meetings held by the Revenue Divisional Officer, Dharmapuri on 15.01.2014, 08.07.2014 and 04.08.2014 and to permit the people belonging to Gowda and Naidu to perform function on Karinaal day and also to permit the Vanniyar community people on the next day to Karinaal.

5 The Writ Court, after examining all the facts of the case and also after hearing the learned counsel appearing for the parties, observed as under:

"7. The day on which all the three communities want to celebrate the festival, falls immediately after the Mattu Pongal day. But, generally, the festival will not last for more than 3-4 hours. While persons belonging to Gowda and Naidu communities have no issues between themselves, they are not willing to celebrate the festival along with the members of the Vanniar community. Therefore, the best way of resolving the dispute is only to allot a different timings for both the groups to celebrate the festival, so that the religious sentiments of both groups are preserved, even while preserving the law and order.

8. Therefore, both the writ petitions are disposed of, with the following directions:

i The people belonging to Gowda and Naidu communities shall celebrate the festival at the temple from morning 6 am to 12 noon;

ii the people belonging to Vanniar community shall celebrate the festival from 2 pm to 8 pm; and

iii the police and the revenue officials shall provide necessary bandobust arrangement to ensure that the festival is carried on peacefully."

6 We have heard the learned counsel for the appellants in both the appeals, the learned Special Government Pleader appearing for the official respondents and the learned counsel for the private respondents.

7 The dispute involved in these cases is a sensitive one, which appears to be a case of likely clash of alleged rights

between the communities to celebrate Pongal festival on the Karinaal, which falls on the day next to Maattu Pongal day, in the concerned temple. It appears that, while the members of Gowda and Naidu communities, on the one side, want to celebrate the festival, on the other side, the members of Vanniar community also, want to celebrate the festival, at the same time, in the same temple. The police and revenue officials have expressed their difficulty to permit both the communities to celebrate the function together, at the same time. Celebration of the festival, which is on a Karinaal, ought to have been done in collaboration and cooperation of all the communities and in a congenial and serene atmosphere. However, it appears that different communities are interested to lead the same festival by having precedence in celebrating the function.

8 The Writ Court, having kept in mind, the need for the celebration of the festival in a congenial and serene atmosphere with a view to foster and perpetuate good relationship between the communities, has directed that the festival be celebrated at different times in the concerned temple, as aforesaid. It has also been directed that the police and revenue officials shall make necessary arrangements to ensure festive mood and spirit in a proper atmosphere. We do not find any irregularity or irrationality in the order sought to be questioned in these writ appeals.

9 Resultantly, the writ appeals are dismissed. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad
To

- 1 The Chief Secretary to Government
Government of Tamil Nadu
Fort St. George
Chennai 600 009
- 2 The District Collector
Dharmapuri District

3 The Superintendent of Police
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7 The Revenue Divisional Officer,
Dharmapur.

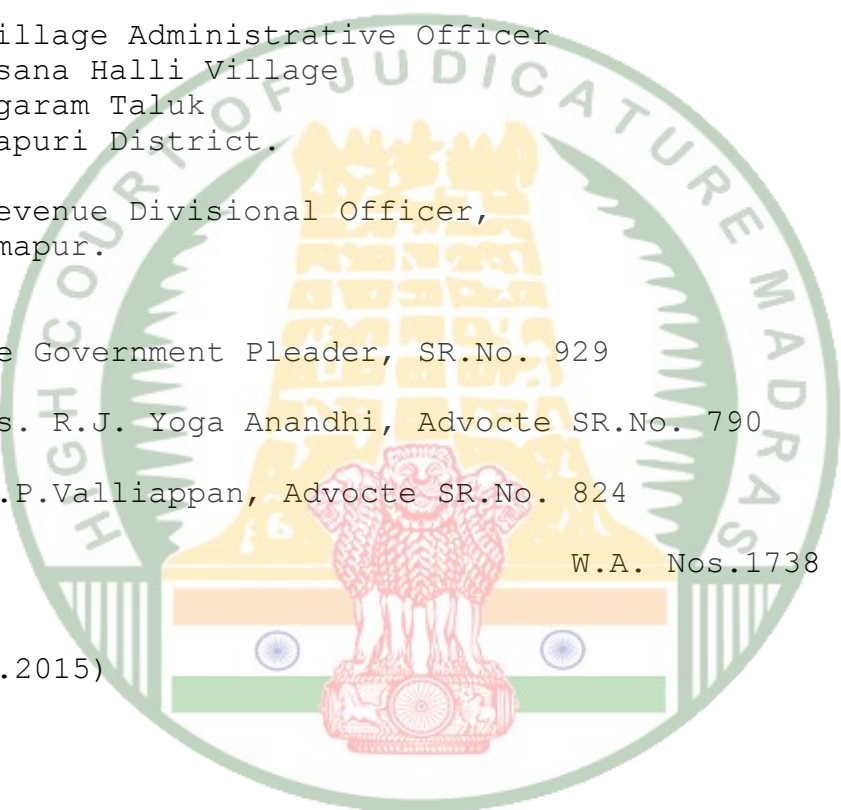
1 CC to the Government Pleader, SR.No. 929

1 CC to M/s. R.J. Yoga Anandhi, Advocate SR.No. 790

1 CC to Mr.P.Valliappan, Advocate SR.No. 824

W.A. Nos.1738 and 1739 of 2014

SV (CO)
PSI (12.01.2015)

The seal of the High Court of Madras is a circular emblem. It features a central golden temple gopuram (tower) with a red lion capital of Ashoka in front of it. The lion capital is set against a background of the Indian national flag's saffron, white, and green horizontal stripes. The words 'HIGH COURT OF JUDICATURE MADRAS' are inscribed in a green circular border around the central image. Below the seal, the Sanskrit motto 'सत्यमेव जयते' (Satyameva Jayate) is written in Devanagari script.

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