

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 13.07.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.6630 of 2015

M.Sivasami

...Petitioner

Versus

- 1 The District Collector
Cuddalore District Cuddalore.
- 2 The Revenue Divisional Officer
Vridhachalam Taluk Cuddalore District
Cuddalore.
- 3 The Tahsildar
Vridhachalam Taluk Cuddalore District.
- 4 The Village Administrative
Officer Ko.Adhanur Village Vridhachalam
Taluk Cuddalore District.
- 5 Sub Inspector of Police
Kammapuram Police Station Vridhachalam
Taluk Cuddalore District.
- 6 Appavu

...Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, Directing the 2nd respondent to dispose of the representation dated 04.03.2015 to permit the petitioner to celebrate the 8th day Aadi festival and direct the 5th respondent to give the police protection for the said festival at Sri Muthu Mariamman Temple North Colony Ko.Adhanur Village Vridhachalam Taluk Cuddalore District.

For Petitioner : Ms.P.Lakshmi Devi

For Respondents : Mr.R.Vijayakumar (for R1 to R5)
Additional Government Pleader.

Mr.AR.L.Sunderesan, Sr. Counsel
for M/s.A.L.Gandhimathi (for R6)

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that his forefathers were residing in the Ko.Adhanur village for more than 70 years. The petitioner being the permanent resident of North Colony, is residing in the very same village and all of them are agriculturist by profession. The petitioner would state that the 70 families residing in the North Colony in the said village had formed eight groups calling "Kothus" joined together, contributed and constructed Arulmighu Muthu Mariamman temple at North Colony in a place belonging to the Government and they used to celebrate Aadi festival for 10 days every year during the Tamil month 'Aadi'.

3. The petitioner would further state that some of them started obstructing the petitioner from performing the pooja in the temple stating that they don't belong to a particular group and also the village. The petitioner in this regard, has submitted a representation dated 07.07.2014 to the Tahsildar, Vridhachalam to conduct an enquiry and to permit them to participate in the festival on the eighth day of the festival after the Seven Kothu families residing in the said village celebrate the festival on the other seven days. A peace committee was also convened by the Tahsildar, Vridhachalam Taluk, wherein police officials had also participated and the 6th respondent had raised an objection that the petitioner should not participate in pooja/celebration on the eighth day.

4. The grievance expressed by the petitioner is that, this month also, similar objection in all probability will be raised by the 6th respondent and in this regard, submitted a representation dated 04.03.2015 requesting the 2nd respondent to permit the petitioner to celebrate the eighth day Aadi festival and to direct the 5th respondent to give police protection to conduct the festival and since, no orders came to be passed, the petitioner has filed this writ petition.

5. Learned counsel appearing for the petitioner would submit that the petitioner is treated as out caste and he is prevented from entering the temple even to offer pooja and left with no other option only, the petitioner has approached this Court and therefore, appropriate direction may be given to the official respondents to enable the petitioner to perform the festival on the eighth day and prays for appropriate orders.

6. Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 5 has drawn the attention of this Court to the counter affidavit filed by the 3rd respondent and would submit that the petitioner's family like other 14 families have already been included in the 6th group (Kothus) and are celebrating the sixth day festival and with regard to the representations submitted by the petitioner, a peace committee meeting was conducted by him on 15.07.2014 with the participation of important persons from both groups, including the petitioner and the 6th respondent and an amicable settlement could not been reached for the reasons that the 6th respondent and other groups objected the performance of eighth day festival by this petitioner. In the light of the said fact, a decision has been taken not to celebrate the festival till such time, an amicable settlement is reached.

7. Mr.AR.L.Sundaresan, learned senior counsel appearing for the 6th respondent would submit that the petitioner belongs to the 6th respondent group and as per the Scheme of Things, the sixth day festival is to be celebrated by "Appavu Vakayara", in which, the petitioner is also a member and as a member of this Group, there cannot be any impediment to enter into the temple and participate in the temple festival along with the said group and since the petitioner wants to celebrate the festival separately on the eighth day, which is not as per the custom and usage, the 6th respondent and other groups have objected to the same.

8. This Court has considered the rival submissions and perused the materials placed before it.

9. In the light of the above facts and circumstances, and without going into the merits of the claim projected by the petitioner in this writ petition, directs the 2nd respondent to consider the representation dated 04.03.2015, submitted by the 1st petitioner, in accordance with law, after putting on notice the 6th respondent and pass orders on or before 18.07.2015 and inform the decision taken, to the petitioner as well as to the 6th respondent.

10. The writ petition is disposed of, accordingly. No Costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1 The District Collector
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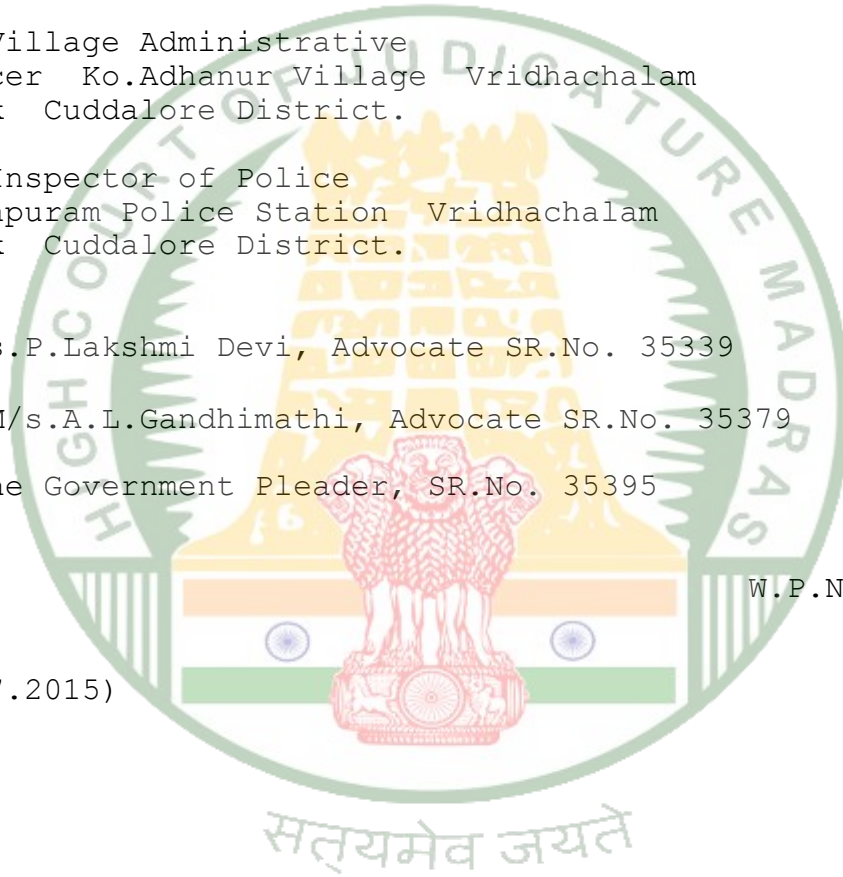
1 CC to Ms.P.Lakshmi Devi, Advocate SR.No. 35339

1 CC to M/s.A.L.Gandhimathi, Advocate SR.No. 35379

1 CC to the Government Pleader, SR.No. 35395

W.P.No.6630 of 2015

NM (CO)
PSI (14.07.2015)



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