

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.03.2015

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THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.8163 of 2015

C.Vaidyanathan Achari,  
Executive Trustee,  
Sri Kamachi Amman Devasthanam,  
Cuddalore-3. ... Petitioner

Vs.

1. The Regional Divisional Officer,  
Sub Collector Office,  
Cuddalore-1.
2. The District Collector,  
Cuddalore District,  
Cuddalore-1.
3. The Superintendent of Police,  
Cuddalore District,  
Cuddalore-1.
4. The Deputy Superintendent of Police,  
Cuddalore Division,  
Cuddalore District,  
Cuddalore-1.
5. The Commissioner,  
Cuddalore Municipality,  
Cuddalore-1.
6. The Secretary,  
State of Tamil Nadu,  
Hindu Religious and Charitable Endowments Department,  
St. George Fort,  
Chennai-600 009. .. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents

to permit the petitioner Temple to take out the Temple Car during the night during the Panguni Uthiram Festival as per the custom followed by the petitioner Temple for the past 200 years and to provide the necessary protection and co-operation for the conduct of the Panguni Uthiram Festival as per the Sastras.

For Petitioner : Mrs.Chitra Sampath, SC  
for Mr.T.S.Baskaran

For Respondent : Mr.R.Vijayakumar, AGP  
Nos.1 to 5

For Respondent-6 : Mr.M.L.Mahendran, Govt. Advocate

#### O R D E R

The petitioner/Executive Trustee of Sri Kamatchi Amman Devasthanam, Cuddalore has filed this writ petition, seeking direction to the respondents to permit the Temple to take out the Temple Car during the night of Panguni Uthiram Festival as per the Customs followed by the petitioner Temple for several years.

2.The petitioner would state that as per the Agamana rules, the Temple Car has to be taken on procession during Panguni Uthiram and for the present year, the auspicious time falls during night hours. Therefore, the petitioner has requested the respondents to grant permission to draw the Temple car during night hours by granting police protection as there is law and order problem. But it is stated that since the Temple car has to be proceeded in the main street, police protection is essential.

3.The learned Additional Government Pleader was directed to get instructions from the department and the matter was listed today for further hearing. It was clarified that there is no other issue like communal or other matter, preventing the petitioner in drawing the Temple Car. The respondent Police would submit that during the previous year, the petitioner himself gave a representation stating that during night time when the Temple car was drawn, some persons came fully in a drunken manner and created certain issues and therefore, requested for necessary police protection. This representation made by the petitioner is now sought to be put against the petitioner for the current year. On a careful perusal of the representation made during 2014, the petitioner did not seek permission for drawing the car during day time. But stated that during night time, there are certain disturbance caused by few persons and therefore, they wanted police protection.

4. In the light of the said stand taken by the petitioner during 2014, the same cannot be put against the petitioner when they seek permission for this year. That apart, the learned Additional Government Pleader referred to the guidelines which has been issued by the Government in G.O.Ms.No.413 dated 06.01.2012 to regulate the drawal of the Temple car in the State of Tamil Nadu to the Commissioner, Hindu Religious and Charitable Endowments Board. The said guideline serving as an indicator as what are the steps to be taken while drawing the Temple car. Therefore, any stipulation therein, cannot be a sole ground to reject for permission for drawal of Temple car itself. It is seen that the respondent police are not outrightly objected for drawal of the Temple car as per schedule fixed by the petitioner but as they point out the problem which may arise for consideration. So far as the electricity connection line passed across, the learned Senior counsel submitted that permission has been obtained to direct the Electricity Board to disconnect the supply during the time, Temple car passes and thereafter, electricity line will be restored and no interference will be caused to the public.

5. Considering the facts and circumstances overall and taking note of the fact that during previous years there was no untoward incident reported, it is the case where the respondent police has to consider for grant of permission to draw the Temple car during the time period which has been fixed by the petitioner considering the Agamana rules. Since the petitioner in their representation during 2014 has himself apprehended that certain persons will come in a drunken state etc., the petitioner should also ensure that they will extend all co-operation to the police authorities to see that worshipping public are regulated in a proper manner and render all assistance to the police as so to peacefully conduct the festival in drawing the Temple car.

6. Taking note of the above facts and in view of the discussions made above, the Writ Petition is disposed of by directing the respondents to consider the petitioner's representation and accord permission for drawal of Temple car as per the time with a written undertaking given by the petitioner stating that they will extend all co-operation to the respondent police to ensure that worshipping public assemble in a peaceful manner and others will abide the rules and conditions of the respondent police scrupulously. Subject to the

above, the respondent police shall consider and grant permission to the Temple festival car procession for the above said period and pass appropriate orders on or before 01.04.2015. No costs.

-s/d-

Assistant Registrar (CS-II)

Dt:

True Copy

Sub-Assistant Registrar

To

1. The Regional Divisional Officer,  
Sub Collector Office,  
Cuddalore-1.
2. The District Collector,  
Cuddalore District,  
Cuddalore-1.
3. The Superintendent of Police,  
Cuddalore District,  
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6. The Secretary,  
State of Tamil Nadu,  
Hindu Religious and Charitable Endowments Department,  
St. George Fort,  
Chennai-600 009.

+ 2 ccs to Mr. T.S. Baskaran, Advocate SR 17178

+ 1 cc to the Government Pleader SR 17159

(co)  
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