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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2015

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

W.P (MD) No.16580 of 2015

and

M.P. (MD) No.1 of 2015

N.Rama Kalanjiyam

: Petitioner

Vs.

1.The Assistant Superintendent of Police,
Tenkasi, Tirunelveli District.

2.The Revenue Divisional Officer,
Tenkasi Taluk, Tenkasi.
Tirunelveli District.

3.The Inspector of Police,
Ilathur Police Station,
Ilathur, Tenkasi Taluk,
Tirunelveli District.

: Respondents.

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order in Na.Ka.No.112/Uu.Kaa.Ka.The/2015, dated 08.09.2015 passed by the 1st respondent and quash the same and consequently direct the respondents to grant permission and adequate police protection to celebrate the 'Sri Navaneetha Krishnan Kovil Festival' on 24.09.2015, 25.09.2015 and 26.09.2015 on the eve of Puratasi Second Saturday.

For Petitioner : Mr.M.S.Jeyakarthick

For Respondents : Mr.N.Manoharan,

Special Government Pleader

O R D E R

Mr.N.Manoharan, learned Special Government Pleader, takes notice for the Respondents. By consent, the Writ Petition itself is taken up for final disposal.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the Respondents.

3. The petitioner has come forward with this writ petition, for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order in Na.Ka.No.112/Uu.Kaa.Ka.The/2015, dated 08.09.2015, passed by the 1st respondent and quash the same and consequently, direct the respondents to grant permission and adequate police protection to celebrate the 'Sri Navaneetha Krishnan Kovil Festival' on 24.09.2015, 25.09.2015 and 26.09.2015 on the eve of Puratasi Second Saturday.

4. Mr.M.S.Jeyakarthick, the learned counsel appearing for the petitioner would submit that the petitioner is one of the 'Nattamai' of his community. Every year, they are celebrating the festival. In the last year, in order to conduct the festival, they filed a Writ Petition in W.P. (MD) No.15941 of 2014, in and by which, an order has been passed on



23.09.2015, by directing the Revenue Divisional Officer to conduct a Peace Committee Meeting. On the basis of the order passed by this Court, a Peace Committee Meeting was conducted and in that, consensus were arrived at and function has been celebrated, without any hindrance. Hence, the learned counsel prayed for a similar direction.

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5. Mr.N.Manoharan, the learned Special Government Pleader appearing for the respondents would submit that the representation of the petitioner has already been considered by the respondent police in accordance with law. He would further submit that there are totally two groups in the village and one group consists of 15 family and another consists of 130 family and eight cases have already registered against them. He would also submit that, if permission is granted to celebrate the said festival, it will create law and problem in the locality. Considering these aspects, the Assistant Superintendent of Police, Tenkasi, Tirunelveli District, has passed an order, rejecting the request of the petitioner to grant permission to conduct the festival, which does not suffer from any irregularities. But, however, he fairly submitted that he has no objection for the 2nd respondent conducting the Peace Committee Meeting and pass an order in accordance with law.

6. A perusal of the record shows that when there was a dispute between the two groups, in the last year festival, one Kumar, filed a Writ Petition in W.P.No15941 of 2014, in which, this Court has passed an order On 23.09.2014. Pursuant to the order, a Peace Committee Meeting was conducted and in that consensus have been arrived at and function has been went on peacefully. The relevant portion of the order reads as follows:-

"3. In the light of the above, the direction sought for by the petitioner in this writ petition cannot be granted at this stage. However, if the petitioner is able to work out a better solution to the matter, he can approach the 2nd respondent with a request for convening a fresh Peace Committee Meeting. If such representation is made, the second respondent shall consider the same and pass orders on merits and in accordance with law."

7. Considering the same, I am not inclined to interfere with the impugned order of the Assistant Superintendent of Police, Tenkasi, the 1st respondent herein, and the same is hereby confirmed. However, considering the earlier order of this Court, the petitioner is directed to approach the Revenue Divisional Officer, Tenkasi, the 2nd respondent herein, with a request for convene a Peace Committee Meeting. If such representation is made, the 2nd respondent shall consider the same and pass appropriate orders, on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

The Assistant Registrar(writs)

/True copy/

Sub-Assistant Registrar



To

1.The Assistant Superintendent of Police,
Tenkasi, Tirunelveli District.

2.The Revenue Divisional Officer,
Tenkasi Taluk, Tenkasi.
Tirunelveli District.

3.The Inspector of Police,
Ilathur Police Station,
Ilathur, Tenkasi Taluk,
Tirunelveli District.

+1cc to the special Government Pleader SR.No.56092
+1cc to M/s.M.S.Jeyakarthik, Advocate SR.No.56176

Mpk

sm:JGB:23.09.2015:3P/6c

Order made in
W.P (MD) No.16580 of 2015
Dated:-
22.09.2015