



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) No.17528 of 2015

WEB COPY

S.Ganesan

..Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Muthukulathur Taluk,
Ramanathapuram District.
- 3.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

..Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to grant permission for the commemoration of Keelathooval "Thiyagigal Ayvar" 16th day memorial function to be held on 04.10.2015 based on the petitioner's application dated 15.09.2015.

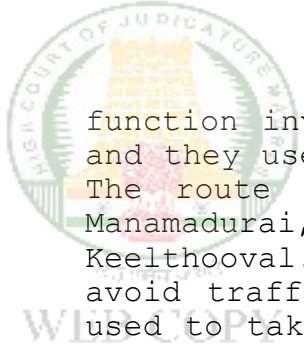
For Petitioner : Mr.K.Mahendran
For Respondents : Mr.D.Muruganantham,
Additional Govt.Pleader

ORDER

This Writ Petition has been filed praying for the issuance of a Writ of Mandamus to direct the respondents to grant permission for the commemoration of "Thiyagigal Ayvar" to be held at Keelathooval Village, Ramanathapuram District, on 04.10.2015, based on the petitioner's application dated 15.09.2015.

2. The petitioner belongs to the village of Keelathooval Village, Ramanathapuram District. It is averred in the affidavit that five persons belonging to the petitioner community were done to death and every year people belonging to the said Village as well as people belonging to various parts of the Tamil Nadu are mourning their death on 14th September and the commemoration is celebrated in the first week of October. It is a peaceful function celebrated every year with the fullest co-operation of the District Administration and the Police Personnel. Accordingly, the Festival Committee has sought permission from the District Administration, the Revenue Authorities and the Police Personnel through an application dated 08.09.2015 to celebrate the 16th day commemoration. Since the said representation was not heard of, the petitioner again sent a representation on 15.09.2015. Even the said representation, was not considered by the respondents.

2.1 It is further averred in the affidavit that the 16th day memorial function is one of the important functions in Keelathooval Village apart from celebrating various festivals. The said memorial



function involves a large gathering of people coming from various places and they used to come in commercial vehicles and in the private vehicles. The route to reach the memorial place from Madurai is Thiruppathur, Manamadurai, Paramakudi via Keelathooval, Arupukkottai, Kamuthi via Keelthooval. The said routes are available to reach Keelathooval and to avoid traffic and general public disturbance. The petitioner community used to take the second route of Arupukkottai, Kamuthi via Keelathooval. The said route is safe for the village people and no untoward incidents happened in the past years.

2.2. It is further averred in the affidavit that the said memorial function is being celebrated for the past 58 years without a single untoward incident. During such commemoration, every year various welfare activities are being conducted such as the blood donation camp; the Social Welfare activities towards the school going children; by giving free note book and pencils and other writing equipments to the children, and distribution of dhoti and sarees to the poor people. In spite of the above-said fact, the permission was not granted by the authorities concerned and therefore, the petitioner is before this Court for the relief stated supra.

3. When the matter is taken up for hearing, the learned Additional Govt.Pleader submitted that, as on date, with a view to maintain law and order problem and to avoid disturbance to the public tranquility, the District Collector cum the District Magistrate has issued proceedings under Section 144(1) of Code of Criminal Procedure prohibiting any public meeting or assembly of five or more persons or procession, except with the prior permission of the District Magistrate, for a period of two months from 9th September 2015 and also prohibiting from 9th September to 15th September and 25th October to 31st October the entry from other Districts of all types of hires vehicles in Ramanathapuram District. Since the said order is in force, the representation of the petitioner has not been considered by the respondents. However, the learned Additional Govt.Pleader submitted that if the petitioner approaches the first respondent with a fresh representation, the same will be considered on merits and in accordance with law.

4. In reply, the learned counsel for the petitioner submitted that in case if the petitioner approaches the the first respondent with necessary representation, the first respondent may be directed to consider the said representation of the petitioner as early as possible since the commemoration is scheduled on 04.10.2015.

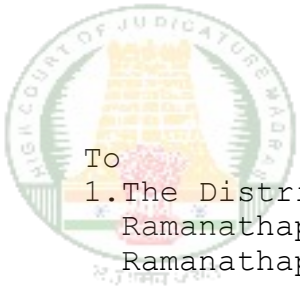
5. Considering the facts and circumstances of the case, the petitioner is directed to give a fresh representation along with a copy of this order. On receipt of the same, the District Collector / District Magistrate is directed to consider the same and pass appropriate orders, on merits and in accordance with law, on or before 03.10.2015.

With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(crl.side)

/True Copy/



To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Revenue Divisional Officer,
Muthukulathur Taluk,
Ramanathapuram District.

3. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

+1cc to M/s.K.Mahendran, Advocate in SR.No.57150

W.P. (MD) No.17528 of 2015
29.09.2015

SSM

PBK/AAL-MPA/SAR-II 29/09/2015 ::3P-5C:: (IT)