



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2015

CORAM:

THE HONOURABLE Mr. JUSTICE M.M. SUNDRESH

Writ Petition (MD) No. 4666 of 2015

A. Kalaimani

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
3. The Revenue Divisional Officer,
Tenkasi,
Tirunelveli.
4. The Tahsildhar,
Sivagiri Taluk,
Tirunelveli District.
5. The Inspector of Police,
Puliyangudi Police Station,
Tirunelveli District.
6. Viramani

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 1 to 5 to take necessary steps to permit the petitioner to participate in the entire events of Poojas, Palkudam, Mulaipari, Pulling of chariot of deity etc in the Panguni festival to be held on 05.04.2015 to 14.04.2015 Sri Arulmigu Agatheeswar Temple, Chinthamani Village, Sivagiri Taluk, Tirunelveli District by considering the petitioner's representation dated 24.03.2015 within the stipulated period.

For Petitioner : Mr. A. Haja Mohideen

For Respondents: Mr. M. Murugan
Government Advocate
for R.1 to R.5
: Mr. F. X. Eugene
for R.6

ORDER

Seeking a direction to the respondents 1 to 5, to give police protection to participate in the temple festival, the present Writ Petition is hereby allowed.



2. Heard the learned Counsel for the petitioner, the learned Government Advocate, who takes notice for the respondents 1 to 5 and the learned Counsel for the sixth respondent.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. The learned Counsel for the petitioner submitted that there are two complaints have been registered on the objections raised by the private respondent namely the sixth respondent and therefore, the prayer sought for by the petitioner may be considered and a reliance has been made on the order passed in W.P.(MD)No.5384 of 2014, dated 03.04.2014.

5. The learned Counsel for the sixth respondent submitted that there is no difficult in allowing the petitioner to participate in the general function, but he cannot ask for any special privilege, which is not permitted to him. It is also submitted by the learned Counsel that the petitioner has paid the tax and he will be permitted to participate in the festival along with others.

6. This Court considering some disputes between the parties in W.P.(MD)NO.5384 of 2014, dated 03.04.2014, has held as follows:

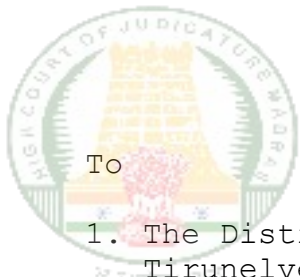
"3. When the writ petition came up for consideration, the learned Counsel for the sixth respondent submitted that they are prepared to receive tax and other amounts payable by the petitioner and that the petitioner can also join in the festival along with others. The learned Counsel for the petitioner also accepted for the same. In view of this, the fifth respondent herein is directed to give appropriate police protection to the petitioner to take part in the temple festival and see to that no untoward incident would happen. The respondents are also directed to ensure that the sixth respondent herein receives the tax and other amounts payable by the petitioner like any other villagers. It is made clear that the petitioner is permitted to join in the festival and celebrate the festival like any other villagers and no extra right is given to him."

7. Accordingly, the Writ Petition stands disposed of on the very same directions issued in W.P.(MD)NO.5384 of 2014, dated 03.04.2014. No costs. However, it is made clear that this order will not enure to the petitioner seeking any special privilege to the petitioner.

Sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar



To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
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4. The Tahsildhar,
Sivagiri Taluk,
Tirunelveli District.
5. The Inspector o Police,
Puliyangudi Police Station,
Tirunelveli District.

+1cc to Mr.A.Hajamohideen, Advocate, SR.No.17273

+1cc to Mr.F.X.Eugene, Advocate, SR.No.17305

Writ Petition (MD)No.4666 of 2015
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