

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.11860 of 2016

S.Balashanmugam

... Petitioner

vs.

1.The Superintendent of Police,
Namakkal District,
Namakkal.

2.The Inspector of Police,
Velur Police Station,
Paramathyvelur Taluk,
Namakkal District-182.

3.The Revenue Divisional Officer,
Thiruchengode,
Namakkal District.

4.N.Mathialagan

.... Respondents

(R.3 and R.4 impleaded as per order
dated 22.6.2016 made in WMP Nos.
16468 and 18297/2016)

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to give permission and adequate police protection for the smooth and peaceful celebration of annual temple festival of 'Arul Migu Shri Maha Mariamman Temple', Pothanur Village, Paramathi Velur Taluk, Namakkal District, scheduled to be held on 5.6.2016 to 26.6.2016.

For Petitioner : Mr.R.Muthukumaraswamy, SC
for Mr.P.Babu

For Respondents : Mr.V.S.Ramesh,
Govt. Advocate,
for R.1 and R.2
Mr.S.Vediappan,
for R.3 and R.4

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to give permission and adequate police protection for the smooth and peaceful celebration of the annual temple festival of 'Arulmigu Shree Maha Mariyamman Temple', Pothanur Village, Paramathi Velur Taluk, Namakkal District, scheduled to be held on 5.6.2016 to 26.6.2016.

2. It is the case of the petitioner that he belongs to Sozhiya Vellalar Community. The members of the petitioner's community used to perform rituals and ceremonies to Vellakkal Mariyamman Temple situated at Pothanur, Paramathivelur Taluk, Namakkal District. Since there were clashes with regard to conduct of the festival to the said temple between the petitioner's community and other community, the people belong to petitioner's community decided to build a new temple for their community people. Accordingly, they have constructed Arulmigu Shree Maha Mariyamman Temple at Pothanur, Namakkal District. Kumbabishegam was also performed for the said temple on 12.3.2014. Since there were some objections with regard to conducting festival of Arulmigu Shree Maha Mariyamman Temple, a Peace Committee Meeting was conducted on 30.5.2014 and in the said Peace Committee Meeting, it was decided to perform the festival of Arulmigu Shree Maha Mariyamman Temple for the year 2014 from 22.6.2014. From the year 2014 onwards, it was decided to perform the festival for Arulmigu Shree Maha Mariyamman Temple during the last week of Chithirai. Accordingly, the festival of Arulmigu Shree Maha Mariyamman Temple was conducted from 26.6.2014 to 11.7.2014 in a peaceful manner. In the year 2015 also, the festival was conducted in a peaceful manner under the police protection given by the respondents 1 and 2. This year, on 7.3.2016, the petitioner approached the second respondent with a request to grant permission to conduct the festival of Arulmigu Shree Maha Mariyamman Temple from 5.6.2016 to 26.6.2016 and to give police protection for the smooth and peaceful celebration of festival. But, till date, no permission was granted to the petitioner. Hence, the petitioner has come up with the present writ petition for the relief set out earlier.

3. Though, originally, the present writ petition was filed as against the respondents 1 and 2, subsequently, the petitioner has filed a petition in W.M.P.No.18297 of 2016 to implead the Revenue Divisional Officer, Thiruchengode, Namakkal District as third respondent. Similarly, one N.Mathialagan has also filed a petition in W.M.P.No.16468 of 2016 to implead himself as a party respondent. Both the petitions were allowed by this Court on 22.6.2016 and consequently, the Revenue

Divisional Officer was impleaded as third respondent and the said N.Mathialagan was impleaded as fourth respondent.

4. The third respondent, the Revenue Divisional Officer has filed a counter affidavit wherein it has been stated that a new temple by name Arulmigu Shree Maha Mariyamman Temple was constructed in the year 2014 by the Sozhiya Vellalar Community people. Since certain difference of opinion arose between the Sozhiya Vellalar Community and Vanniyar community people with regard to conducting the festival, a Peace Committee Meeting was conducted on 30.5.2014 between the community people belonging to Sozhiya Vellalar and Vanniyar and in the said meeting, it was decided to conduct the festival of Arulmigu Shree Maha Mariyamman Temple in the last week of Tamil month Chithirai and the festival of Vellakkal Mariamman Temple in the last week of Tamil month Panguni. Accordingly, the festival for the years 2014 and 2015 was conducted. However, due to some difference of opinion between the said two community people, law and order problem arose from the night of 4.5.2015. Due to various incidents that had happened during the year 2015, it may not be possible to celebrate the festival of Vellakkal Mariamman Temple in the year. Thereafter, a meeting was conducted by the third respondent with Deputy Superintendent of Police, Velur, Executive Officer, H.R. & C.e. Department, Tahsildar, Paramathi Velur and other Revenue Officials and during the meeting, it was opined that if any permission is granted to conduct the festival, it will lead to drastic law and order problem. Thus, he sought for dismissal of the writ petition.

5. Learned senior counsel appearing for the petitioner submitted that Arulmigu Shree Maha Mariyamman Temple belongs to the petitioner's community people. Originally, they have decided to perform the temple festival from 5.6.2016 to 26.6.2016. Since there were some objections in conducting the festival, permission was not granted by the respondents 1 and 2 so far. Hence, the petitioner has now postponed the temple festival to 3.7.2016.

6. Further, the learned senior counsel appearing for the petitioner submitted that for the year 2014, a Peace Committee Meeting was conducted on 30.5.2014 and in the said meeting, it was decided to conduct the festival of Arulmigu Shree Maha Mariyamman Temple in the last week of Tamil month Chithirai and the festival of Vellakkal Mariamman Temple in the last week of Tamil month Panguni. Thus, the petitioner's community people were permitted to celebrate the festival of Arulmigu Shree Maha Mariyamman Temple in the last week of Tamil month Chithirai. Accordingly, for the past two years, festivals were celebrated. This year, due to the assembly election, temple festival could not be celebrated in the Tamil month of Chithirai. Now, the petitioner's community people have decided

to celebrate the festival of Arulmigu Shree Maha Mariyamman Temple from 3.7.2016 onwards. But, the fourth respondent, who belongs to other community, is opposing to conduct the festival of Arulmigu Shree Maha Mariyamman Temple stating that only after conducting the festival of Vellakkal Mariyamman Temple, the petitioner's community people can be permitted to conduct the festival of Arulmigu Shree Maha Mariyamman Temple. In this regard, learned senior counsel appearing for the petitioner submitted that so far as Vellakkal Mariyamman Temple is concerned, the H.R. & C.E., Department has to fix the date for conducting the festival. However, the H.R. & C.E. Department has not fixed the date for conducting the festival of Vellakkal Mariyamman Temple. Therefore, the petitioner's community people cannot postpone the temple festival of Arulmigu Shree Maha Mariyamman and whenever the H.R. & C.E. Department fixes the date for conducting the festival of Vellakkal Mariyamman Temple, the other community people can celebrate the same. Further, the learned senior counsel appearing for the petitioner submitted that though the petitioner has sought for permission to conduct the festival of Arulmigu Shree Maha Mariyamman Temple for 21 days, now the petitioner's community people are prepared to restrict the number of days from 21 days to 6 days for conducting the festival. But, the learned counsel appearing for the fourth respondent has vehemently opposed to conduct the festival of Arulmigu Shree Maha Mariyamman Temple stating that as per the decision of the Peace committee meeting held on 30.5.2014, the festival of Vellakkal Mariyamman Temple has to be conducted at first and thereafter only, the festival of Arulmigu Shree Maha Mariyamman Temple has to be conducted. But, in my considered opinion, since the H.R. & C.E. Department has not fixed the date for conducting the festival of Vellakkal Mariyamman Temple so far, it does not mean, the petitioner's community people have to postpone the festival of Arulmigu Shree Maha Mariyamman Temple till the H.R. & C.E. Department decides to conduct festival for Vellakkal Mariyamman Temple.

7. Hence, considering the factual aspects of this case, I am of the opinion, instead of giving a positive direction, it would be appropriate to direct the third respondent, the Revenue Divisional Officer, Thiruchengode, Namakkal District, to conduct a Peace Committee Meeting and to take an appropriate decision with regard to conducting the festival of Arulmigu Shree Maha Mariyamman Temple.

8. Accordingly, the third respondent, the Revenue Divisional Officer, Thiruchengode, Namakkal District is directed to conduct a Peace Committee Meeting by giving an opportunity of personal hearing to the petitioner, the Deputy Superintendent of Police, Velur, the first respondent herein, the Executive Officer of the Vellakkal Mariyamman Temple and other necessary parties, if any, and pass appropriate orders on merits, with

regard to conducting the festival of Arulmigu Shree Maha Mariyamman Temple, within a period of one week from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Namakkal District,
Namakkal.
- 2.The Inspector of Police,
Velur Police Station,
Paramathyvelur Taluk,
Namakkal District-182.
- 3.The Revenue Divisional Officer,
Thiruchengode,
Namakkal District.

+1cc to the Government Pleader Sr.36667
+1cc to Mr.S.Vediappan, Advocate SR.36022
+1cc to Mr.P.Babu, Advocate Sr.35969

सत्यमेव जयते

W.P.No.11860 of 2016

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