

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 12-05-2016

CORAM:

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P.Nos.17755 and 17777 of 2016
&

WMP Nos.15437 &15438 of 2016

In W.P.No.17755 of 2016:

Arulmigu Sri Batchariamman
Spiritual Trust
Rep. by its President K. Dilliraja
S/o. Kuppaiyar
Residing at Asanampattu Village
Ambur Taluk
Vellore District.

.. Petitioner

Vs.

1. The Superintendent of Police
Vellore
Vellore District.
2. The Deputy Superintendent of Police
Ambur Division
Vellore District
3. The Inspector of Police
Veppankuppam Police Station
Veppankuppam
Vellore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the impugned proceedings dated 06.05.2016 from the file of the 3rd respondent and quash the same and directing the 3rd respondent to issue permission to the petitioner Trust for conducting Arulmigu Sri Batchariamman Temple festival to be held on 22.05.2016 to 24.05.2016 for performing Sirasu Procession and other Cultural program as per Schedule with Police Protection.

In W.P.No.17777 of 2016:

Thiru. A.G. Arumugam
M/aged about 65 years
S/o. Gengan
Village Head Man
Adi-Dravidar and Arunthathiyar Colony
Aasanampattu Village & Post
G.R.Palayam
(via) Ambur Taluk
Vellore District

.. Petitioner

Vs.

1. The District Collector
Vellore
Vellore District.
2. The Revenue Divisional Officer
Thiruppathur
Vellore District
3. The Tahsildar
Ambur Taluk Office
Ambur
Vellore District

... Respondents

Petitions filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to consider petitioner's representation dated 25.04.2016 and direct the 3rd respondent to pass an order to celebrate the temple festival by permitting their caste people in the temple festival of Desathu Mariyamman Temple, Aasanampattu Village, Ambur Taluk, Vellore District to be held on 22.05.2016, 23.05.2016 & 24.05.2016.

For petitioners:: Ms. R.T. Sundari in WP.17755/2016
Mr. E. Kannadasan in WP.17777/2016

For respondent :: Mr. P.V. Selvakumar, AGP

ORDER

The petitioners in both the writ petitions belong to the same Village called Aasanampattu Village, Ambur Taluk. W.P.No.17755 of 2016 has been filed by a private trust,

challenging the order of rejection passed by the Inspector of Police, Veppam Kuppam rejecting the petitioner's claim for permission to conduct the festival in Batchariamman Koil whereas W.P.No.17777 of 2016 was filed by one A.G. Arumugam, challenging the rejection order passed by the Revenue Divisional officer, Thiruppathur pursuant to the representation given by him to conduct the Temple festival at Desathu Mariamman Asanampattu Village.

2. W.P.No.17777 of 2016 has been filed by the Schedule Caste Community while W.P.No.17755 of 2016 has been filed by a Private Trust. Since the Temple Festivals belong to the same Village, by consent both the writ petitions are heard together.

3. Heard Mrs. R.T. Sundari and Mr. B. Kannadasan, learned counsel appearing for the petitioners and Mr. P.V.Selvakumar, learned Additional Government Advocate appearing for the respondents.

4. It is seen from the records produced before this Court that there is a communal unrest between two groups viz., Scheduled Caste and other Hindu Community people. In the earlier occasion, there was an attempt to conduct the festival and due to unrest, it was prohibited last year. When things stand so, when the respective petitioners' gave representation, the authorities rejected the same, taking into the ground reality. As communal unrest is noted by the authorities, they are of the opinion that there is a likelihood of breach of peace and communal clash, definitely, which will not be in the interest of people.

5. It is trite law that festivals are conducted or celebrated only for bringing happiness, peace and prosperity to the people. Whereas by permitting the festivals in the Temple, as noted by the Authorities, there will be an unrest affecting the public. In case of unrest, there is likelihood of loss of precious life and many people getting injured. It is the duty of the authorities to foresee the problem and prevent such occurrences. The impugned orders have been passed only upon taking into consideration the communal unrest prevailing in the Village. Therefore, the authorities are correct in rejecting the representations seeking permission to conduct the festivals in the said Village.

6. In view of the above, this Court is of the considered opinion that the prayer as sought for by the petitioners cannot be granted and the writ petitions are dismissed. No costs.

7. However, it is open to the authorities to conduct a peace meeting and in case of any consensus being reached, the festivals can be permitted. Otherwise, there is no necessity for the authorities to grant permission to conduct the festival. The Peace Meeting can be convened by the Revenue Divisional Officer, whenever there is a representation by any of the parties.

8. Connected W.M.P.Nos.15437 and 15438 of 2016 are also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

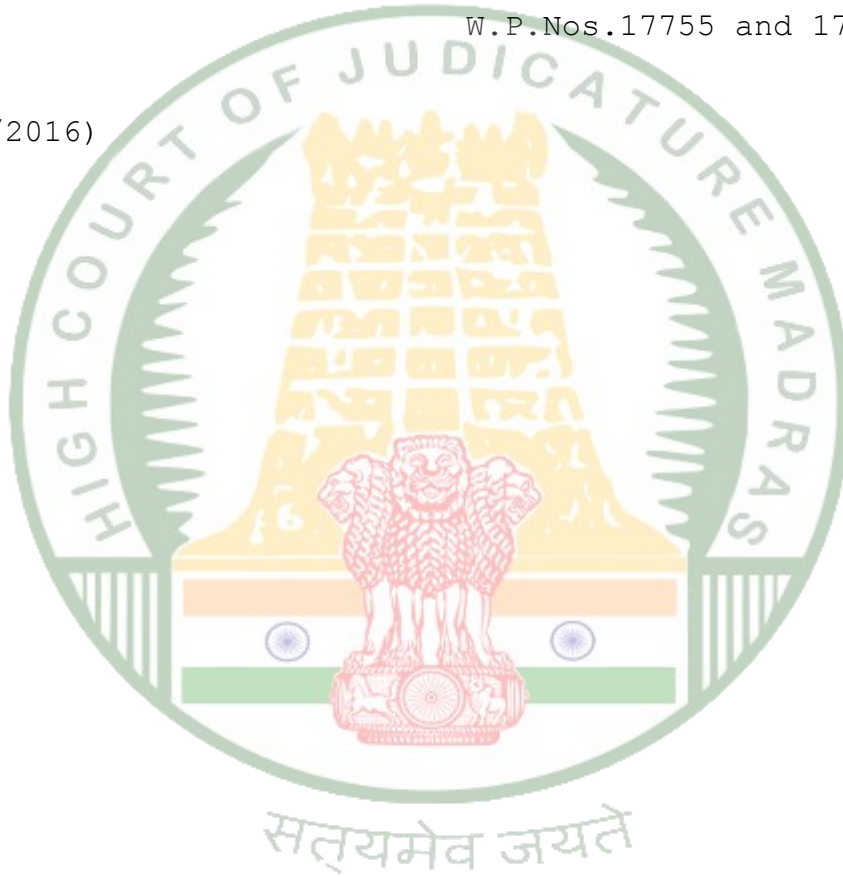
1. The Superintendent of Police
Vellore
Vellore District.
2. The Deputy Superintendent of Police
Ambur Division
Vellore District.
3. The Inspector of Police
Veppankuppam Police Station
Veppankuppam
Vellore District.
4. The District Collector
Vellore
Vellore District.
5. The Revenue Divisional Officer
Thiruppathur
Vellore District

6. The Tahsildar
Ambur Taluk Office
Ambur
Vellore District.

+1cc to Mr.R.Margabandhu, Advocate, S.R.No.28287
+1cc to Mr.E.Kannadasan, Advocate, S.R.No.28284

W.P.Nos.17755 and 17777 of 2016

GJ II(CO)
srg(13/05/2016)



WEB COPY