

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2016

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27780 of 2016

And

W.M.P.Nos.23965 and 23966 of 2016

P.Elumalai

... Petitioner

Vs.

1 The Commissioner
Hindu Religious and Charitable
Endowments Board,
119, Uttamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.

2 The Commssioner of Police,
Greater Chennai,
Chennai – 600 007.

3 The Assistant Engineer,
Tamil Nadu Electricity Board,
Korattur, Chennai-76

4 Mr.Sakthi

5 Inspector of Police
T-3, Korattur Police Station,
Korattur, Chennai-76

6 Thiru.V.Alexander

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to

issue a Writ of Mandamus directing the Respondents to take necessary action based on the Representation of the Petitioner and others dated 08.07.2016 for peaceful conduct of religious procession of Arulmigu Padalathri Seeyathamman (வீதி உலா) on 14.08.2016 or any other day in all streets satisfying the religious feelings and interests of devotees of Arulmigu Padalathri Seeyathamman (அருள்மிகு பாடலாத்திரி சீயாத்தம்மன்) following the practice that obtained hitherto before 2012, which was observed without deviation till 2012 and further without cutting Electricity in Korattur on the day of procession.

For Petitioner : Prof.S.Krishnaswamy

For Respondents : Mr.M.Maharaja for R1
Special Government Pleader (HR & CE)
Mr.R.A.S.Senthilvel for R2 and R5
Additional Government Pleader
Mr.P.Gunaraj for R3

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner claims to be a devotee of Arulmigu Padalathri Seeyathamman Temple, Korattur and according to him, it is a family Deity and so also for very many residents of the said place. The petitioner would further state that during the Tamil month of Aadi, the "Utchavar" idol of Arulmigu Padalathri Seeyathamman will be taken by way of procession to various streets in Korattur and on account of the

big Temple Car being made which cannot enter some narrow streets of Korattur, the practise of taking the Temple Car through all streets have been dispensed with. The petitioner also expressed the grievance that by using the big Temple Car, electricity connection is to be dis-connected as the height of the Temple Car is more than the prescribed limit and it also cause inconvenience to the residents of the locality and in this regard, has submitted a representation dated 08.07.2016, to the respondents and since no orders have been passed, came forward to file this writ petition.

3.The learned counsel appearing for the petitioner would submit that the Aadi Festival is to be conducted between 05.08.2016 and 19.08.2016 and since no orders have been passed on the representation submitted by the petitioner, the religious sentiments of the petitioner and the other residents of the locality will be affected and hence, prays for appropriate orders.

4.Per contra, Mr.M.Maharaja, learned Special Government Pleader (HR & CE) who accepts notice on behalf of the first respondent on instructions, would submit that a peace committee meeting was convened by the Revenue Divisional Officer, Ambattur on 30.07.2016 and the petitioner is one of the persons representing the 'B' Party and

though, he participated in the peace committee meeting, did not sign the minutes and as per the minutes, the Temple Car will be taken procession as per the earlier routes in the year, 2012 and the time is fixed between 6.00 p.m. and 6.00 a.m. and in the event of the Temple Car is not in a position to enter some narrow streets, the procession of the Deity will be taken through Tractor. The learned Special Government Pleader (HR & CE) has also produced the proceedings of the Revenue Divisional Officer, Ambattur in Na.Ka.No.1464/2016/A1 dated 30.07.2016, which is taken on file and recorded.

5.This Court also heard the submissions of Mr.R.A.S.Senthilvel, learned Additional Government Pleader who accepts notice on behalf of the respondents 2 and 5 and Mr.P.Gunaraj, learned counsel who accepts notice on behalf of the third respondent.

6.In the light of the submissions made by the learned Special Government Pleader (HR & CE) appearing for the first respondent, on instructions, the apprehension expressed by the petitioner, is of no basis. It is made clear that the strict compliance of the proceedings of the Revenue Divisional Officer, Ambattur in Na.Ka.No.1464/2016/A1 dated 30.07.2016, is to be ensured and in the event of any law and order or public order problem, the second respondent as well as the

fifth respondent are at liberty to proceed in accordance with law. The third respondent shall also see to that minimum and least inconvenience is caused to the residents of the locality.

7.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are also closed.

09.08.2016

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Index: Yes/ No

Internet: Yes/ No

Note: Issue order copy on 10.08.2016

To

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M.SATHYANARAYANAN,J.
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