

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2016

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.44236 of 2016

1.Prakash Raj
2.M.Seeragan
3.Muniappan

[Petitioners]

Vs

1.The District Collector,
Dharmapuri District.

2.The Revenue Divisional Officer,
Dharmapuri.

3.The Superintendent of Police,
Dharmapuri.

4.The Inspector of Police,
Perumpalai Police Station,
Dharmapuri District.

[Respondents]

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to permit and give protection to the members of the Vanniyar community in Arasgasan Halli Village, Pennagaram Taluk, Dharmapuri District to perform the pongal festival and in particular Karinaal festival on 16.01.2017 in the Mariamman and Vinayagar temple along with the other community people based on the representation dated 02.12.2016.

For Petitioners : Mr.T.Venkatesh Kumar

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to permit and give protection to the members of the Vanniyar community in Arasgasan Halli Village, Pennagaram Taluk, Dharmapuri District to perform the Pongal festival and in particular Karinaal festival on 16.01.2017 in the Mariamman and Vinayagar temple along with the other community people based on the representation of the petitioners dated 02.12.2016.

2.It is stated in the affidavit filed in support of this writ petition that the petitioners are the residents of Aragasana Halli Village, Pennagaram Taluk, Dharmapuri and they belong to Vanniyar community. It is stated that there are two temples, one Mariamman and the other Vinayagar temple, which are in existence for more than 80 years. Even though the said temples were constructed at the instance of the Vanniyar community, the functions in the temples are being celebrated by Naicker and Gowda community people, apart from Vanniyar community people. Till 2011, there was no problem in conducting the celebrations in the said temples. However, in 2012 and 2013, due to the prohibition/curfew imposed under Section 144 of Cr.PC, the festivals could not be conducted. Thereafter, disputes arose between the villagers belonging to all the three communities and they approached this Court for conducting the festivals and this Court was pleased to pass orders allocating timings for the performance of the said festivals on Karinaal by all the three communities. Pursuant to the said orders, all the three communities have been performing their part of the celebrations. It is further stated by the petitioners that for conducting festivals this year, they sent a representation to the respondents on 02.12.2016, but the same has not been considered till now. Hence this writ petition.

3.The learned counsel for the petitioners submitted that earlier, in similar circumstances, this Court passed an order in W.P.No.862 of 2016 dated 12.01.2016, directing the petitioners therein to give a fresh representation to the Inspector of Police, Perumpalai Police Station, Dharmapuri District, along with a copy of the order and the Inspector of Police was directed to consider and pass appropriate orders with regard to police protection. Stating so, he submitted that the same order may be passed in the present writ petition also.

4.Mr.C.Emalias, learned Additional Public Prosecutor, takes notice for the respondents.

5.It is seen from the typed set of papers that the order passed in W.P.No.862 of 2016 by this Court is with regard to providing police protection to the members of the Vanniyar community of the same village, to perform the Pongal festival and in particular Karinaal festival in January 2016. Hence, without going into the merits of the claim made by the petitioners, this Court directs the petitioners herein to give a fresh representation to the fourth respondent herein, along with a copy of this order. On receipt of the same, the fourth respondent shall pass appropriate orders immediately with regard to providing police protection, on merits and in accordance with law, within a period of two weeks from the date of receipt of the representation.

6.With the above direction, the writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Dharmapuri District.

2.The Revenue Divisional Officer,
Dharmapuri.

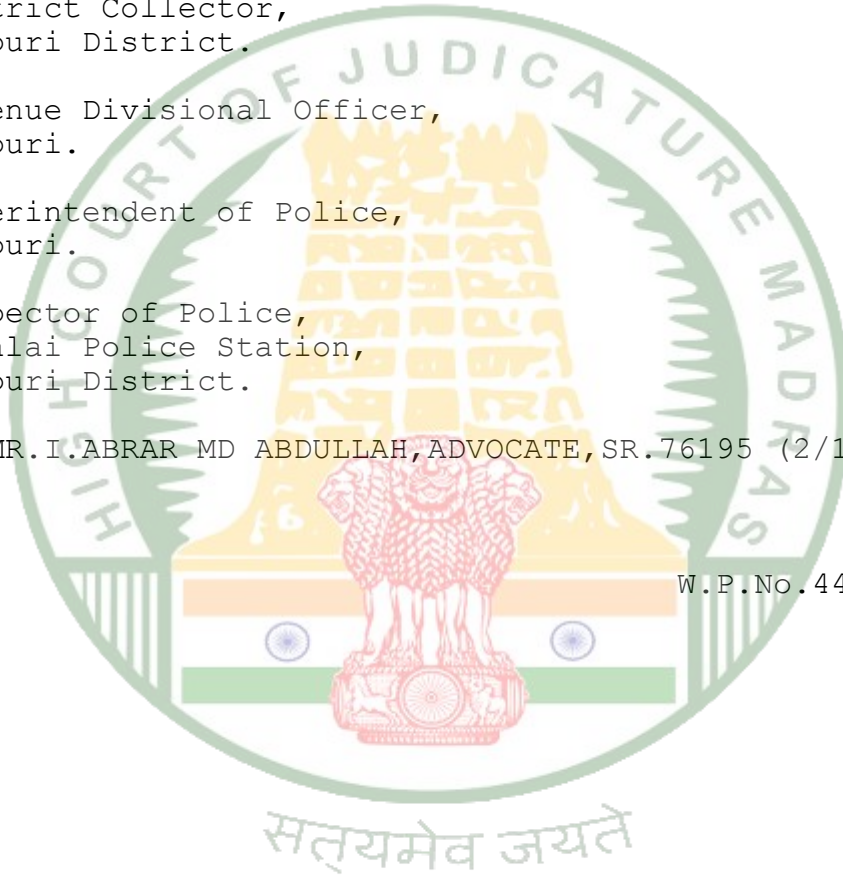
3.The Superintendent of Police,
Dharmapuri.

4.The Inspector of Police,
Perumpalai Police Station,
Dharmapuri District.

+1 CC TO MR.I.ABRAR MD ABDULLAH,ADVOCATE,SR.76195 (2/1)

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