

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R. SUBBIAH

W.P.NO.7947 OF 2016

R.Gunasekaran

.. Petitioner

Vs.

- 1.The District Collector,
Krishnagiri District.
- 2.The Superintendent of Police,
Krishnagiri District.
- 3.The Thasildar,
Taluk Office,
Pochampalli,
Krishnagiri District.
- 4.The Inspector of Police,
Nagarasampatti Police Station,
Pochampalli Taluk,
Krishnagiri District.
- 5.Mrs.Vanaja

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to give permission and protection to the petitioner to conduct "Mahasivarathiri" Festival at Arulmigu Poongavanathammal @ Angalamman Thirukoil at Vilangamudi Village from 07.03.2016 to 11.03.2016.

For Petitioner : Mr.K.Thiruvenkadam

For Respondents : Mrs.P.Rajalakshmi,
Government Advocate for R1 to R4
Mr.P.Neelakandan for R5

ORDER

The petitioner has come forward with this Writ Petition seeking for a Writ of Mandamus directing the respondents to give permission and protection to the petitioner to conduct "Mahasivarathiri" Festival at Arulmigu Poongavanathamman @

Angalamman Thirukoil at Vilangamudi Village from 07.03.2016 to 11.03.2016.

2. It is the case of the petitioner that Arulmigu Poongavanathamman @ Angalamman Thirukoil at Vilangamudi Village absolutely belong to the petitioner's family and there are about 50 families in their Village and about 50 families in other villages are worshipping the said temple as their "Kuladheivam". From the year 2000 onwards, the petitioner is doing Poojas and festivals of the above said temple every year particularly the "Mahasivarathiri" Pooja till the year 2012 without any interruption. While so in the year 2013, all of a sudden, to his shock and surprise one Vanaja, W/o.Senthilkumar, 5th respondent herein claiming to be a daughter of one late. Poongavanam creating problem in the administration of the above said temple. The 5th respondent's husband viz., Senthilkumar, is having political support. When the petitioner tried to conduct the festival during the "Mahasivarathiri" in the year 2014, the 5th respondent and her husband have created problem and therefore, a peace committee was convened by respondents 3 and 4. Since there was no consensus, the authority concerned has stopped the "Mahasivarathiri" festival.

3. In the meanwhile, the 5th respondent has filed a suit in O.S.No.4 of 2014 on the file of District Munsiff Court, Pochampalli with untenable false averments stating that the temple belong to her father and after his father, she only has the right over the administration of the above said temple. But, no interim order was granted in the said suit. The said suit was ultimately dismissed on 13.01.2015. The 5th respondent has not allowed the petitioner to conduct festival in the year 2015 citing the reason for the pendency of the above suit. Now the "Mahasivarathiri" festival at Arulmigu Poongavanathamman @ Angalamman Thirukoil at Vilangamudi Village scheduled to be conducted on 07.03.2016 to 11.03.2016. Hence, the petitioner made a representation to respondents 1 to 4 to give permission and necessary protection to conduct the "Mahasivarathiri" festival at Arulmigu Poongavanathamman @ Angalamman Thirukoil at Vilangamudi Village from 07.03.2016 to 11.03.2016. But, the same was not considered. Hence, he came forward to file this writ petition.

4. Heard the submission of the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. In view of the order that is going to be passed, I am of the opinion there is no need to issue notice to the 5th respondent.

6. Considering the submissions made on either side, this Court directs the petitioner to give a fresh representation

along with the copy of this order to the 3rd respondent and on receipt of the same, the 3rd respondent is directed to consider the said representation by affording an opportunity of personal hearing to the petitioner as well to the 5th respondent and pass appropriate orders with regard to granting of permission and protection to the petitioner herein to conduct the "Mahasivarathiri" Festival at Arulmigu Poongavanathamman @ Angalamman Thirukoil at Vilangamudi Village from 07.03.2016 to 11.03.2016 on or before 06.03.2016.

This Writ petition is disposed of accordingly. No costs.

vsm

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The District Collector,
Krishnagiri District.
- 2.The Superintendent of Police,
Krishnagiri District.
- 3.The Thasildar,
Taluk Office,
Pochampalli,
Krishnagiri District.
- 4.The Inspector of Police,
Nagarasampatti Police Station,
Pochampalli Taluk,
Krishnagiri District.

+ 1 cc to The Govt.Pleader, Sr 14227

+ 1 cc to Mr.K.Thiruvankadam, Advocate Sr 14162 (4/3/16)

KR/4/3/16

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