

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.862 of 2016

and

WMP.No.672 of 2016

1. A.G.Munusamy
2. V.Prakash
3. M.Seeragan
4. T.Perumal
5. P.Seeralan
6. P.Muniappan
7. J.Muniappan
8. R.Mani
9. M.Sivakumar
10. P.Muniyappan

... Petitioners

Vs

1. The Chief Secretary to Government,
Government of Tamilnadu,
Fort St.George,
Chennai - 600 009.
2. The District Collector,
Dharmapuri District.
3. The Superintendent of Police,
Dharmapuri District.
4. The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.
5. The Inspector of Police,
Perumpalai Police Station,
Dharmapuri District.
6. The Village Administrative Officer,
Aragasana Halli village,
Pennagaram Taluk,
' Dharmapuri District.

7. A.M.Govindan
8. Murugan.

... Respondents

Writ Petition filed under Article 226 of the Constitution to direct the respondents 1 to 6 to provide adequate police protection and permit the members of the Vanniyar community in Aragasana Halli Village, Pennagaram Taluk, Dharmapuri District to independently perform the Pongal festival and in particular Karinaal festival (the day immediately after Matu Pongal) on the said Karinaal itself in the Mariamman and Vinayakar Temple in their village as per the directions issued by this Hon'ble High Court Court in writ petition No.3913/2014 and W.P.No.24096/22014 dated 25.11.2014 in order to maintain peace and harmony in the village as per the practice and custom that has been in vogue for many decades.

For Petitioner : Mr.S.Silambanan, Senior counsel
for Mr.M.Senthamizh Selvan

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor
for R1 to R6

O R D E R

This petition has been filed to issue a Writ of Mandamus to direct the respondents 1 to 6 to provide adequate police protection and permit the members of the Vanniyar community in Aragasana Halli Village to independently perform the Pongal festival and in particular Karinaal festival (the day immediately after Matu Pongal) on the said Karinaal itself in the Mariamman and Vinayakar Temple in their village

2. The petitioners belong to and reside in Aragasana Halli Village, Pennagaram Taluk, Dharmapuri District. The villagers residing in the said village belong to three different communities i.e., about 100 families of Vanniar community, 150 families belonging to Naicker community and 50 families of Gowda community. There are two temples adjacent to each other, one Mariamman temple and the other Vinayakar temple. Though the temples were constructed at the instance of Vanniyar community, the functions in the temples were celebrated by all the three communities together. It was decided that Karinaal festival and other festivals should be commenced from 2014 onwards. Whiles, certain miscreants influenced the members/ representatives of Naicker and Gowda community in the village and ensured that difference of opinion arose between the members of Vanniyar community and other two communities. When there is proposal to continue the function on Karinaal, the petitioners and the other village representatives and villagers came to know that the members of Gowda and Naicker community objected to the Vanniyar community people from conducting the festival and poojas on Karinaal along with them. In the year 2014, when the problem

arose, a representation was sent to the Government. Subsequently, writ petition was also filed before this Court in W.P.No.3913/2014 and this Court on 25.11.2014 has passed the following order.

i) The people belonging to Gowda and Naidu communities shall celebrate the festival at the temple from morning 6 am. to 12 noon;

ii) The people belonging to Vanniar community shall celebrate the festival from 2 pm to 8 pm; and

iii) The police and the revenue officials shall provide necessary bandobust arrangement to ensure that the festival is carried on peacefully.

3. Aggrieved by the said order, two persons of the other community filed Writ Appeals in W.A.Nos. 1738 and 1739 of 2014. The Division Bench dismissed the writ appeals by passing the following order.

7. The dispute involved in these cases is a sensitive one, which appears to be a case of likely clash of alleged rights between the communities to celebrate Pongal festival on the Karinaal, which falls on the day next to Maatu Pongal day, in the concerned temple. It appears that, while the members of Gowda and Naidu communities, on the one side, want to celebrate the festival, on the other side, the members of Vanniar community also, want to celebrate the festival, at the same time, The police and revenue officials have expressed their difficulty to permit both the communities to celebrate the function together, at the same time. Celebration of the festival, which is on a Karinaal, ought to have been done in collaboration and cooperation of all the communities and in a congenial and serene atmosphere. However, it appears that different communities are interested to lead the same festival by having precedence in celebrating the function.

8. The Writ Court, having kept in mind, the need for the celebration of the festival in a congenial and serene atmosphere with a view to foster and perpetuate good relationship between the communities, has directed that the festival be celebrated at different times in the concerned temple, as aforestated. It has also been directed that the police and revenue officials shall make

necessary arrangements to ensure festive mood and spirit in a proper atmosphere we do not find any irregularities or irrationality in the order sought to be questioned in these writ appeals.

9. Resultantly, the writ appeals are dismissed. Connected miscellaneous petitions are closed.

Thereafter, the matter was set at rest and the three communities performed the Karinaal functions as per the order of this Court. The Gowda and Naicker communities perform the first pooja timing 6 a.m. to 12 p.m. Thereafter, the vanniyar community celebrated the same from 2 p.m. to 8 p.m. It is the submissions of the learned counsel for the petitioners that the Vanniyar community villagers have right to perform the Pongal festival and in particular Karinaal festival. This year, the petitioners representing the Vanniyar community have made a representation dated 16.12.2015 for providing police protection to conduct the Kaapu Kattudhal and to conduct Karinaal festival in their village. But the same was not considered. Hence, the present writ petition has been filed.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5. This Court, without going into the merits of the claims made by the petitioner, directs the petitioners to give a fresh representation to the 5th respondent along with a copy of this order. On receipt of the same, the 5th respondent shall pass appropriate orders immediately with regard to providing police protection, on merits and in accordance with law. The writ petition is disposed of accordingly. No costs. Consequently, connected W.M.P.No.672 of 2016 is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

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1 cc to M/s. J.J.Yoga Anandhi & C. Varanavasai, Advocates, Sr.
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