



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)Nos.10905 and 10237 of 2016

W.P.No.10905 of 2016

C.Chellaiah

... Petitioner

-vs-

1.The Superintendent of Police,
Dindigul, Dindigul District

2.The Inspector of Police,
Eriyodu Police Station
Dindigul District.

3.The Tahsildar
Vedasanthur Taluk
Dindigul District

4.Makudeeswaran

5.S.Balasubramani

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 2nd respondent to grant permission to conduct the temple festival at Arulmigu Sri Vinayaka Peruman Sri Murugan Sri Kaliyamman Sri Mariamman Sri Manthai Muniyandi Temple festival Thiruvalluvar Nagar Nakaiyakottai Village Vedachanthur Taluk Dindigul District from 10.07.2016 to 12.07.2016 on the basis of the petitioner's representation dated 06.06.2016.

For Petitioner : Mr.M.Gnanagurunathan

For Respondents: Mr.D.Muruganandam for RR1 to 3
Addl. Govt. Pleader.

W.P.No.10237 of 2016

1.Makudeeswaran

2.S.Balasubramani

3.P.Pitchaimuthu

4.P.Rajkumar



6.M.Muniyandi

7.S.Dhandapani

... Petitioners

-vs-

1.The Superintendent of Police,
Dindigul, Dindigul District

2.The Tahsildar
Vedasanthur Taluk
Dindigul District

3.The Inspector of Police,
Eriyodu Police Station
Dindigul District.

4.Chellaiah

5.Dharman

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents 1 to 3 herein to not to grant permission for conducting Temple festival at Mariamman an Kaliyamman Temple Thiruvalluvar Nagar Nagayankottai Village Vedasandur Taluk Dindigul District excluding the petitioners and their family members based on the representation of the petitioner dated 15.05.2016.

For Petitioner : Mr.S.Gokulraj

For Respondents: Mr.D.Muruganandam, for R1 to R3
Addl. Govt. Pleader

COMMON ORDER

The writ petition in W.P.(MD) No.10905 of 2016 has been filed for issuance of a Writ of Mandamus, directing the 2nd respondent Inspector of Police to grant permission to conduct the temple festival at Arulmigu Sri Vinayaka Peruman Sri Murugan Sri Kaliyamman Sri Mariamman Sri Manthai Muniyandi Temple festival Thiruvalluvar Nagar Nakaiyakottai Village Vedachanthur Taluk Dindigul District from 10.07.2016 to 12.07.2016 on the basis of the petitioner's representation dated 06.06.2016.

2. The Writ Petition in W.P.(MD) No.10237 of 2016 has been filed for a direction directing the respondents 1 to 3 herein to not to grant permission for conducting Temple festival at Mariamman an Kaliyamman Temple Thiruvalluvar Nagar Nagayankottai Village Vedasandur Taluk Dindigul District excluding the petitioners and their family members based on the representation of the petitioner dated 15.05.2016.

3. As the issue involved in these two writ petitions are one and the same, they were heard together and disposed of by this common order.

4. Mr D.Muruganandam, learned Additional Government Pleader, takes notice for the respondents. By consent, the writ petitions are taken up for final disposal.



5. Heard the learned counsel appearing for the petitioners in both the petitions and the learned Additional Government Pleader appearing for the respondents.

6. The learned counsel appearing for the petitioners in W.P.(MD) No. 10905 of 2016 would submit that the programme is being conducted by the villagers regularly in order to promote harmony during the above said festival period; that a representation was given to the 2nd respondent Police, but, however, the same was not considered by the 2nd respondent Police so far and hence, the petitioner is before this Court with this writ petition. The learned counsel appearing for the petitioner would further submit that as the aforesaid festival is celebrated in a peaceful manner by the villagers, there will be no untoward incident on account of this celebration.

7. The learned counsel for the petitioners in W.P.(MD) No.10237 of 2016 would submit that the petitioners may also be granted the relief of conducting the temple festival.

8. The learned Additional Government Pleader appearing for the respondent, on instructions, would submit that peace committee has been conducted between the parties and a decision has been taken by the Tahsildar. He would further submit that the permission sought for by the petitioners may be granted in accordance with the decision taken in the peace committee meeting dated 20.06.2016, in which the following is the resolution adopted:

i) The members under the leadership of Makudeswaran / petitioner in W.P.(MD) No.10237 of 2016 can collect money and peacefully, do worship in the Temple, for which, the petitioner / Chellaiah in W.P.(MD) No.10905 of 2016 has no objection for the same;

ii) It was agreed that the group belonging to Chellaiah / petitioner in W.P.(MD) No.10905 of 2016 shall arrange for providing the customary respect to other group at the time of worship;

iii) Both the parties agreed to conduct the festival peacefully without detrimental to law and order, while maintaining peace and offering worship. It was further mutually agreed that after celebration, each group will constitute a committee and they would look into the accounts.

9. Accordingly, both these Writ Petitions are disposed of, granting permission to the petitioners to conduct the festival jointly, scheduled from 10.07.2016 to 12.07.2016 between 07.00 p.m., and 10.30 p.m., in accordance with the resolution of the Peace Committee and subject to the following conditions:

(a) Obscene dance / songs / vulgar dialogues should be avoided during the programme;

(b) Songs conveying obscene double meaning should not be played in order to avoid awkwardness;

(c) No dance or songs, touching upon the conduct of any political party or community or caste be played;

(d) No flex boards in support of any political party or religious leader be erected;

(e) The programme shall be conducted without showing any discrimination based on caste / community etc., and it shall be ensured that it is towards promoting communal harmony;

(f) the participants of the programme shall not intake any kind of intoxicating substance or liquor during the programme;

(g) In respect of untoward incident occurring, the organizers of the programme be responsible for the same;

(h) If there is any violation of any of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance. No costs.

Sd/
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To:

1.The Superintendent of Police,
Dindigul, Dindigul District

2.The Inspector of Police,
Eriyodu Police Station
Dindigul District.

3.The Tahsildar
Vedasanthur Taluk
Dindigul District

+2CC to M/S. M.Gnanagurunathan, Advocate, SR.No. 31601, 31602

+1CC to M/S. S.Gokulraj, Advocate, SR.No. 32335

+1CC to the Special Government Pleader, SR.No. 32050

ORDER MADE IN
W.P(MD)Nos.10905 and 10237 of 2016
21.06.2016

RR
AM/GSV.PM/SAR-II/24.06.2016/4P/8C