



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD).No.1442 of 2014 &

M.P.(MD).Nos.1 to 3 of 2014

WEB COPY

Ganesan

Vice President of Akila Bharatha Hindu Maha Saba,

No.1/2, Ettu Thogai Street,

Vannarpet,

Tirunelveli-627 003.

: Appellant/ Petitioner

Vs.

1.The Superintendent of Police,

Madurai District,

Madurai.

2.The Inspector of Police,

Thiruparankundram Police Station,

Thiruparankundram,

Madurai District.

3.The Deputy Commissioner / Executive Officer,

Arulmigu Subramania Swamy Temple,

Hindu Religious and Charitable Endowment Department,

Thiruparankundram,

Madurai District.

: Respondents/Respondents

PRAYER:Writ Appeal is filed under Clause 15 of Letters patent Act against the order 04.12.2014 in W.P.(MD).No.19371 of 2014.

Prayer in WP(MD) . 19371/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent dated 26.11.2014 and quash the same and consequently directing the respondents 1 and 2 to provide adequate police protection for the petitioner s Sangam to light Mahadeepam on the top of the Kudhirai Sunai Thittu at Thiruparankundram Hills on the eve of Karthigai Festival on 05.12.2014.

For Appellant :Mr.K.Mahendran

For Respondents :Mr.VR.Shanmuganathan for R1 & R2

Special Government Pleader

Mr.Manohar for R3

**JUDGMENT**

[Judgment of the Court was delivered by **M.M. SUNDRESH, J**]

The appellant being the writ petitioner sought for police protection for lighting Mahadeepam during Karthigai Festival within the temple precincts. The request so made was rejected on the ground that it is not feasible for consideration as the temple authority has not given any such permission. The Learned Single Judge on a consideration of entire materials dismissed the writ petition. Hence, the present writ appeal.

2. The learned counsel for the appellant would submit that the order passed on the earlier occasion by this Court in W.P.No.18884 of 1994, dated 21.11.1996 is binding upon the respondents. However, said direction especially with respect of clause No.4 has not been followed in letter and spirit.

3. The learned counsel appearing for the third respondent would submit that the said direction is being complied with, but not to the satisfaction of the appellant. Instead it is submitted that near to the temple there is a mosque and therefore, endeavor is being made to see to it communal harmony is maintained.

4. We do not propose to go into those issues. It is for the temple authorities to take appropriate action in compliance with the order passed by this Court in W.P.No.18884 of 1994, dated 21.11.1996. Certainly law and order is an issue to be kept in mind while doing so. After all the object is to see that peace and tranquility is being maintained and for the aforesaid purpose the onus is on the respondents. Thus, the writ appeal stands disposed of by observing that the temple authority namely the third respondent will take appropriate action to see to it communal harmony is maintained. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Thiruparankundram Police Station,
Thiruparankundram,
Madurai District.



3.The Deputy Commissioner / Executive Officer,
Arulmigu Subramania Swamy Temple,
Hindu Religious and Charitable Endowment Department,
Thiruparankundram,
Madurai District

+1cc to M/S.Special Government Pleader,SR. 66612
+1cc to Mr.S.Manohar,Advocate,SR.66488
+1cc to Mr.K.Mahendaran,Advocate,SR.66877

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19.07.2017