



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.04.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A.[MD].No.183 of 2017
and

C.M.P. (MD) Nos.1939 and 1940 of 2017

S.Mahalingam : Appellant

Vs.

1.The Superintendent of Police,
Madurai District (Rural), Madurai.

2.The State rep. by its
Inspector of Police,
Tirumangalam,
Madurai District.

3.The Revenue Divisional Officer,
R.D.O., Usilampatti.

4.The Tahsildar,
Taluk Office, Tirumangalam,
Madurai District.

5.Nagalingam : Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order of Writ Court dated 22.02.2017, made in W.P. (MD).No.1936 of 2017, insofar as the finding that the appellant had not established his right to celebrate the festival.

Prayer in WP(MD). 1936/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to give necessary Police Protection to the Masi Mahasivarathiri festival to be celebrated by the Petitioner and his community people in Arulmigu Kattu Karuppanasamy Koivl, Maravankulam Village, Tirumangalam Taluk, Madurai District from 24.02.2017 to 26.02.2017 and connected festivals.



For Appellant : Mr.N.Dilip Kumar
For Respondents 1to4 : Mr.S.Chandrasekar,
Government Advocate
For Respondent No.5 : Mr.J.Jeyakumaran

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.N.Dilip Kumar, learned counsel appearing for the appellant, Mr.S.Chandrasekar, learned Government Advocate appearing for the respondents 1 to 4 and Mr.J.Jeyakumaran, learned counsel appearing for the fifth respondent.

2. This Writ Appeal is directed against the order in W.P.(MD) No.1936 of 2017, dated 22.02.2017.

3. The appellant came before the Writ Court seeking for a direction upon the respondents 1 to 4 to give necessary police protection for the Masi Mahasivarathiri Festival to be celebrated by the appellant and his community people in Arulmighu Kattu Karuppanasamy Kovil, Maravankulam Village, Tirumangalam Taluk, Madurai District from 24.02.2017 to 26.02.2017.

4. The Writ Petition was disposed of by order dated 22.02.2017, by directing that the appellant and his community people are entitled to worship the Deity, for which, the fifth respondent and his family members should not object.

5. The appellant is on appeal as against the said order contending that the appellant and his family members are entitled to not only worship, but also to conduct poojas in the temple.

6. The learned counsel for the fifth respondent, on the other hand, would contend that the Writ Appeal itself has become infructuous on the ground that the festival was already over.

7. The learned counsel for the appellant would state that in paragraph No.7 of the impugned order, there is a finding that the appellant and his community people have right to worship the Deity only and this is contrary to the order passed by the Joint Commissioner in O.A.No.19 of 2002.

8. We have carefully perused the said order passed by the Joint Commissioner and in the said order, the Joint Commissioner has decided in favour of the right of the appellant only for worship. In fact, the prayer before the Joint Commissioner itself was only for worshipping the Deity. Therefore, the finding rendered in



paragraph No.7 of the impugned order is perfectly valid and justified.

9. For the above reasons, the appellant has not made out any case for interference. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

1.The Superintendent of Police,
Madurai District (Rural), Madurai.

2.The Inspector of Police,
Tirumangalam,
Madurai District.

3.The Revenue Divisional Officer,
R.D.O., Usilampatti.

4.The Tahsildar,
Taluk Office, Tirumangalam,
Madurai District.

+1 CC TO MR.J.JEYAKUMARAN,ADVOCATE,SR NO.51242

+1 CC TO R.N.DILIP KUMAR,ADVOCATE,SR NO.51323

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.51510

SML

MAS/SV-MMS:21.04.2017:3P-8C

JUDGMENT MADE IN
W.A.[MD].No.183 of 2017

Dated:
10.04.2017