



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No. 12589 of 2017

and

W.M.P.(MD) No.9701 of 2017

V.Murugesan

... Petitioner

-vs-

1.The District Collector,
Madurai District, Madurai.

2.The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai District, Madurai.

3.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Melur, Madurai District.

4.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Melur, Madurai District.

5.The Tahsildar,
Melur Taluk,
Madurai District.

6.The Inspector of Police,
O/o. The Inspector of Police,
Melur Taluk,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to permit the petitioner along with his villagers to participate in the Arul Migu Sri Ponnandi Amman Temple Festival to be conducted on 07.07.2017 and 08.07.2017 by way of drum beating and conducting procession from Sathamangalam Vilakku, Thaniamangalam Road, Madurai to Sathamangalam Kovil Veedu and

<https://hcservicesreports.gov.in/hcservices> at Arul Migu Sri Ponnandi Amman Temple Festival within the time stipulated by this Court.



For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus seeking a direction to the respondents to permit the petitioner along with his villagers to celebrate the festival of Arul Migu Sri Ponnandi Amman Temple scheduled to be conducted on 07.07.2017 and 08.07.2017, by way of drum beating and conducting procession from Sathamangalam Vilakku, Thaniamangalam Road, Madurai to Sathamangalam Kovil Veedu and further to worship at Arul Migu Sri Ponnandi Amman temple.

2.The learned counsel for the petitioner in the typeset has produced the minutes of peace committee meeting that was held on 03.07.2017. In the peace committee meeting, it was specifically agreed that during the festival, on all days at the time of “சாமியாட்டல்” there shall not be any drum beating. Quite contra to the clause, which was agreed in the peace committee meeting, the prayer is the present writ petition is couched. The learned counsel for the petitioner further submitted that the peace committee meeting was not convened with the participation of all communities and all the members in the village.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the records available.

4. Indirectly, the learned counsel for the petitioner would submit that the peace committee meeting is not binding on the petitioner. We need not go into the factual details or facts on the basis of which the present writ petition is filed. However, it is suffice that the peace committee meeting was conducted on 03.07.2017 and majority of the members of the villagers have participated and agreed to certain terms. If the petitioner seeks indulgence of this Court to permit to do something in violation of the terms, it can be permitted only in the presence of those, who are parties in the peace committee meeting. Intentionally, the petitioner has not impleaded any of them in the writ petition, who are really interested in the subject matter. For the simple reason that the petitioner has not impleaded necessary parties, no relief can be granted to the petitioner. If the petitioner wants to exercise the right which is recognised by custom, it is open to the petitioner to approach the department either by filing a petition under Section 63(e) of the Tamil Nadu Hindu Religious and



Charitable Endowments Act, 1959, or by filing a civil suit for declaration of his right which he has insisting this Court to recognise. This writ petition is therefore dismissed. No Costs. Consequently, connected miscellaneous petition is also dismissed.

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Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Superintendent of Police,
O/o.the Superintendent of Police,
Madurai District, Madurai.
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O/o.The Deputy Superintendent of Police,
Melur, Madurai District.
- 4.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer, Melur, Madurai District.
- 5.The Tahsildar,
Melur Taluk,
Madurai District.
- 6.The Inspector of Police,
O/o.The Inspector of Police,
Melur Taluk,
Madurai District.

+One cc to The Special Government Pleader, SR.No.64396

das/pjl
RL/8C/3P/SV/SAR2/20/7/2017

ORDRE MADE IN

W.P.(MD) No. 12589 of 2017

07/07/2017