

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 11.07.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No. 12778 of 2017**

P.Perumbadaiyan

... Petitioner

-vs-

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

2. The Deputy Superintendent of Police,
Srivaikundam,
Thoothukudi District.

3. The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.

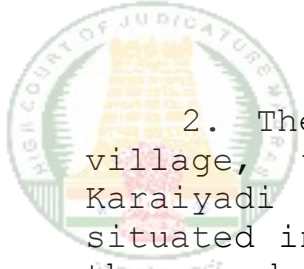
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to grant appropriate permission and adequate police protection for conducting the temple Kodaivizha festival in Sempurapuri Kulakarai Arulmigu Karaiyadi Sudalaimadasamy, Pattanimadasamy Keelakoil temple, Ramanujampudur, Srivaikundam Taluk, Tuticorin District on 17.07.2017, 18.07.2017 and 19.07.2017 and consequently direct the respondents to permit the grave yard on the festival days at about 12.00 noon and 12.00 midnight, based on the petitioner's representation, dated 08.07.2017.

For Petitioner : Mr.A.Anandan.

For Respondents : Mr.A.Muthukaruppan,
Additional Government Pleader.Mr.H.Arumugam,
for Intervenor**O R D E R**

This writ petition has been filed for issuance of a writ of mandamus to direct the respondents to grant appropriate permission and to give adequate police protection for conducting the temple festival of Sempurapuri Kulakarai Arulmigu Karaiyadi Sudalaimadasamy, Pattanimadasamy Keelakoil temple, Srivaikundam Taluk, Sivagangai District.



2. The case of the petitioner is that in the petitioner's village, the temple known as Sempurapuri Kulakarai Arulmigu Karaiyadi Sudalaimadasamy, Pattanimadasamy Keelakoil temple is situated in a patta land. Since the said temple was established by the grand father of the petitioner in his private patta land, the people in and around Ramanujamputhur village started worshipping the temple.

3. The temple festival is usually performed in the month of 'Aani' merely to promote harmony and peace among the village people. Though the petitioner and the village people gave representations on earlier times to get permission to conduct the 'Kodai Vizha' festival and grave yard visit, the respondent police did not respond the same. In the said circumstances, the petitioner has approached this Court earlier and this Court has passed the order in W.P.(MD).No.12364 of 2016, dated 15.07.2016 for the same prayer sought for in this writ petition and the operative portion of the earlier order reads as follows:

"2.Mr.D.Muruganandam, learned Additional Government Pleader, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. The learned counsel appearing for the petitioner would submit that the programme is being conducted by the villagers regularly in order to promote harmony during the above said festival period. He would further submit that in the representation dated 07.06.2016 given by the petitioner, no order was passed by the respondents so far.

5. The learned Additional Government Pleader appearing for the respondents would submit that there is a likelihood of law and problem in the area in the event of permission being granted for conducting the festival.

6. Under such circumstances, the apprehension of the respondents cannot be easily brushed aside, as the responsibility of maintaining law and order problem rests only with the respondent police and it is for the respondent police to assess the present situation prevalent in that area. Therefore, the 2nd respondent police is directed to consider the representation of the petitioner dated 07.06.2016 and pass orders on the same immediately in the light of the previous orders of this Court dated 18.07.2013 passed in W.P.(MD)



4. The learned counsel for the petitioner and the contesting respondents also submit that the order of this Court in the Writ petition in the last year can be followed this year also.

5. Recording the said statement, this writ petition is disposed of with a direction to the third respondent police to consider the representation of the petitioner, dated 08.07.2017 and pass orders on the same immediately in the light of the previous orders of this Court, dated 18.07.2013 and 15.07.2016, passed in W.P.(MD) Nos.10407 and 11376 of 2013 and W.P.(MD). NO.12364 of 2016 respectively. No costs.

6. The festival contemplates visiting of the graveyard. Since this was not disclosed in the earlier order, the petitioner apprehends some interference by the police. Hence, as requested by the learned counsel for the petitioner as well as Mr.H.Arumugam, learned counsel for the intervenor, this Court permit the parties concerned to conduct 'midnight' ritual at the graveyard without causing any hindrance to the public.

sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
2. The Deputy Superintendent of Police,
Srivaikundam,
Thoothukudi District.
3. The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.

+1cc to M/S. A.ANANDAN, Advocate, SR.No.64649.
+1cc to M/S. H.ARUMUGAM, Advocate, SR.No.64858.
+1cc to Special Government Pleader, SR.No.64992.

W.P.(MD) No. 12778 of 2017
11.07.2017