



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P (MD) No.13523 of 2017

WEB COPY

Ganesan

.. Petitioner

Vs.

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

2.The Inspector of Police,
Thalaivapuram Police Station,
Virudhunagar District.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to grant permission to perform cultural event with sound system amplifier to conduct "Kalai Nigalchi" scheduled to be held on 01.08.2017 and 02.08.2017 in connection with the temple festival namely "Arulmigu Thesiamman Thirukovil", at Thesigapuram, Solapuram Post, Rajapalayam Taluk, Virudhunagar District, as per the representation of the petitioner dated 10.07.2017.

For Petitioner

: Mr.G.Karuppasamy Pandian

For Respondents

: Mr.A.K.Baskara Pandian

Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the second respondent to grant permission to perform cultural event with sound system amplifier to conduct "Kalai Nigalchi" scheduled to be held on 01.08.2017 and 02.08.2017 in connection with the temple festival namely "Arulmigu Thesiamman Thirukovil", at Thesigapuram, Solapuram Post, Rajapalayam Taluk, Virudhunagar District, as per the representation of the petitioner dated 10.07.2017.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3.The learned counsel appearing for the petitioner submits that the petitioner is the Nattamai of Arulmigu Thesiamman Thirukovil at Thesigapuram, Solapuram Post, Rajapalayam Taluk, Virudhunagar District. The petitioner also claims that he is celebrating the temple festival in the month of Aadi. For this



year, it is stated that the petitioner and his men have decided to celebrate the temple festival on 01.08.2017 and 02.08.2017. The petitioner further stated that the temple festival is conducted by members of forty families living in the village. The petitioner also claims that the participants of the temple festival are poor and are only agricultural workers. The petitioner further given an assurance that the festival will be performed by the petitioner in peaceful manner with the participation of entire public without discrimination of religion, caste or class. He has further given the details of the festival.

4.The learned Special Government Pleader appearing for the respondents produced a copy of the communication received from the Inspector of Police, Thalavaipuram Police Station, Virudhunagar District. The contents of the said communication would indicate that there is a dispute with regard to conduct of the temple festival between two groups of people. A majority of the people have already conducted the festival during Vaikasi. A peace committee meeting was also conducted and it was decided unanimously to conduct the festival in Vaikasi month of 2017. In the said peace committee meeting, it was admitted that the temple is the common temple for all the villagers. It was further noted that Vaikasi festival of the temple in 2017 is over and that one Thangavel and his men can come and worship the deity without collecting any subscription from others or using mike set or any other cultural event independently. Therefore, as per the peace committee meeting, the petitioner and his men can only come and worship in the temple without exercising any right of conducting festival. In such circumstances, having regard to the specific clauses in the peace committee meeting and the petitioner is a signatory to the peace committee meeting, it is held that the petitioner has approached this Court suppressing material facts.

5.In the above circumstances, this Court is of the view that the prayer in the Writ Petition can never be allowed and the petitioner is also estopped from claiming any right contrary to what has been recognised in the peace committee meeting. In the said circumstances, the Writ Petition is dismissed as devoid of any merits with cost of Rs.1,000/- payable to the credit of the Hon'ble Chief Justice Relief Fund within a period of two weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Virudhunagar District,
Virudhunagar.



2.The Inspector of Police,
Thalaiivapuram Police Station,
Virudhunagar District.

Copy to : The Registrar(Administration),
Madurai Bench of Madras High Court, Madurai.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.67947
+1cc to Mr.G.KARUPPASAMY PANDIYAN Advocate in SR. No.67711

SRM
JS/MR.KKR/SAR.4/7.8.2017/3P-6C

W.P.(MD)No.13523 of 2017
24.07.2017