



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.14330 of 2017

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K.Shanmugavel

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Tirunelveli District.

3.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

4.The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.

5.Thirumani Selvan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to hand over the Sri Santhanamariamman Temple's key to the petitioner pursuant to the order passed by the second respondent in his proceedings Na.Ka.No.80/Ka.Thu.Kaa/Valliyoor/2017, dated 24.04.2017 to enable the petitioner to celebrate Sri Santhanamariamman Temple festival scheduled to be held from 21.08.2017 to 24.08.2017.

For Petitioner : Mr.B.Banu Prasath

For Respondents : Mr.S.Sadhish Kumar
1 to 4 Additional Government Pleader.

For Respondent 5 : No appearance

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus seeking a direction to the third respondent to hand over the Sri Santhanamariamman Temple's key to



the petitioner pursuant to the order passed by the second respondent in his proceedings Na.Ka.No.80/Ka.Thu.Kaa/Valliyoore/2017, dated 24.04.2017 to enable the petitioner to celebrate Sri Santhanamariamman Temple festival scheduled to be held from 21.08.2017 to 24.08.2017.

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2. The learned counsel for the petitioner submitted that the petitioner is residing at Thangammalpuram Village, Mudhumothanmozhi Post, Radhapuram Taluk, Tirunelveli District. In the petitioner's village, it appears that there is a temple known as Sri Santhanamariamman Temple. Though the kodai festival is being conducted for several decades, it appears that there is some dispute between two groups living in the same village regarding celebration of kodai festival. It is also admitted that even criminal cases have also been registered. However, a peace committee meeting was conducted by the Superintendent of Police, Prohibition and Excise. It is also stated that both faction participated in the meeting and a resolution was passed. As per the Peace Committee resolution, it was agreed that 'A' party should be allowed to perform kodai festival during the month of Vaikasi i.e., between 22.05.2017 and 25.05.2017 and that 'B' party should be allowed to celebrate Kodai festival in the month of Aavani. It is the specific case of the petitioner that the persons who belongs to 'A' party celebrated the Kodai festival during the month of Vaikasi as per the decision of the Peace Committee meeting. It was only on the basis of the assurance given to the petitioner to celebrate the kodai festival during the month of Aavani, the petitioner states that his group agreed for the peace committee meeting. It is in these circumstances, the petitioner has submitted a detailed representation before the District Collector and the District Collector has not considered the same.

3.The learned counsel for the petitioner states that the fifth respondent in this Writ Petition is the representative of a group which was recognised as 'A' party in the peace committee meeting. Though this Court earlier ordered notice to the fifth respondent and private notice also was served on the fifth respondent, there is no representation for the fifth respondent.

4.The learned Additional Government Pleader appearing for the respondent 1 to 4 submitted that this Court may grant permission for the programme with stringent conditions.

5.Considering the facts that are narrated before this Court and the circumstances indicated by the official respondents, this Court directs the third respondent to hand over the temple's key to the petitioner. Further, the second respondent is directed to ~~submit a representation of the petitioner dated 18.07.2017 and~~ to direct the fourth respondent to grant permission and adequate police protection to the petitioner and his group to conduct the



temple festival by the petitioner between 21.08.2017 and 24.08.2017 subject to the following conditions and any other reasonable restrictions / conditions that may be imposed by the fourth respondent in the interest of public and to preserve the law and order and communal harmony:

(a) the "Innisai Katcheri" programme in connection with the festival at "Sri Santhanamariamman Temple" at Thangammalpuram Village, Mudhumothanmozhi Post, Radhapuram Taluk, Tirunelveli District., scheduled to be held on 23.08.2017 should be completed before 10.30 p.m.

(b) there should not be any kind of obscene dance or vulgar dialogues during the performance, by any one of the participants;

(c) double meaning songs should not be played so as to spoil the minds of students and the youth;

(d) no dance or songs, touching upon any political party or religion, community or caste be played;

(e) no flex boards in support of any political party or religious leader be erected;

(f) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(g) if there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance;

(h) similarly, the Police is empowered to stop the dance programme, if it exceeds beyond the permitted time;

(i) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

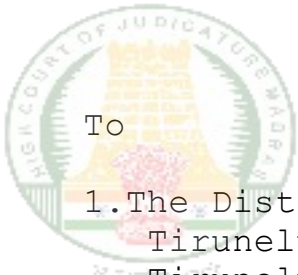
(j) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

No costs.

Sd/-

Assistant Registrar(P&A)

/True copy/



To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Additional Superintendent of Police,
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Tirunelveli District.

3.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

4.The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.

+1cc to M/s.Special Government Pleader,SR.73495

+1cc to Mr.P.Banuprasath,Advocate,SR.73213

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SRM

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