



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.14779 of 2017

WEB COPY

P.Muthusamy

... Petitioner

Vs.

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

2.The Assistant Superintendent of Police,
(Now in charge of Nanguneri Division),
Cheranmahadevi Division,
Tirunelveli District.

3.The Inspector of Police,
Cheranmahadevi Police Station,
Cheranmahadevi,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.52/Se.Mu.Aa/U.Ka.ka/Cherai/2017, dated 20.07.2017, and quash to the same as illegal and consequently, to direct the second respondent to permit the petitioner's temple to conduct "Villu Pattu and Karagattam" with enabling minimum level of sound service and also the statute of deity carried by a chariot scheduled on 14.08.2017 to 16.08.2017 from 08.00 P.M. to 02.00 A.M. at "Arulmighu Kailasapathy Lakshmi Narayana Perumal and Arulmighu Pathirakaliamman Kovil" situated at Poothankudiyuruppu, Ulagankulam Village, Thiruviruthanpuli, Tirunelveli District.

For Petitioner

: Mr.S.Krishnan

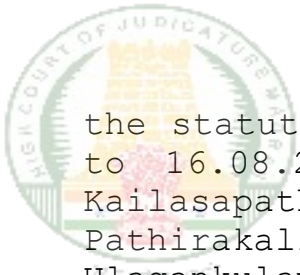
For Respondents

: Mr.N.S.Karthikeyan

Additional Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings dated 20.07.2017, and quash to the same as illegal and consequently, to direct the second respondent to permit the petitioner's temple to conduct "Villu Pattu and Karagattam" with enabling minimum level of sound service and also



the statute of deity carried by a chariot scheduled on 14.08.2017 to 16.08.2017 from 08.00 P.M. to 02.00 A.M. at "Arulmighu Kailasapathy Lakshmi Narayana Perumal and Arulmighu Pathirakaliamman Kovil" situated at Poothankudiyuruppu, Ulagankulam Village, Thiruviruthanpuli, Tirunelveli District.

WEB COPY

2.The grievance of the petitioner is that though permission was granted to the petitioner to conduct the festival and to organize all programmes for three days, there is a specific condition by which the petitioner is prevented from continuing the programme beyond 10 P.M. on all the three days.

3.The learned counsel for the petitioner submitted that the three days programmes are in relation to temple festival and that therefore, religious and non-religious activities cannot be restricted within 10.00 P.M. for all the three days. As a matter of fact, the learned counsel for the petitioner also pointed out that the "Karagattam" is one of the three days programmes, and it is scheduled upto 01.00 A.M on the next day of the event commenced and this is because the participants and the members of the public have some special ceremony or practice and custom of taking the Urchava idol or deity in the Pallakku or Chariot. At that time, karagattam is arranged in front of the urchavar during the "Sappara Veethi Ula".

4.This Court takes notice of the long time customary practice in rural area when people celebrate temple festival and associate all the non-religious activities in connection with the religious ceremony. Hence taking into consideration of the grievance of the petitioner, this Court is inclined to interfere with the impugned order passed by the second respondent dated 20.07.2017, insofar as the same relates to the two conditions regarding timings prohibiting any activities beyond 10.00 P.M on all three days programmes.

5.Hence the impugned order dated 20.07.2017 passed by the second respondent is quashed and the second respondent is directed to reconsider the representation of the petitioner and to grant permission beyond 10.00 P.M. subject to any other terms / conditions or restrictions so as to maintain law and order or to avoid any other inconvenience or nuisance to public. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/



To

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

2.The Assistant Superintendent of Police,
(Now in charge of Nanguneri Division),
Cheranmahadevi Division,
Tirunelveli District.

3.The Inspector of Police,
Cheranmahadevi Police Station,
Cheranmahadevi,
Tirunelveli District.

+1cc to M/S.S.Krishnan, Advocate SR.No. 72152
+1cc to Special Government Pleader, SR.No. 72355

W.P. (MD) No.14779 of 2017
09.08.2017

GSP/CMR
JM/SV AA/SAR 1/11.08.2017/3P/6C