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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.08.2017
CORAM
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.15174 of 2017
and
W.M.P.(MD) No.11989 of 2017

C.Chellaiah ..Petitioner

Vs.

1.The Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Eriyodu Police Station,
Dindigul District.

3.The Tahsildar,
Vedasanthur Taluk,
Dindigul District.

4.Sivakumar,
The Deputy Superintendent of Police,
Vedasanthur,
Dindigul District.

5.Arumugam

6.Rajkumar .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 01.08.2017 passed by the 3rd respondent and quash the same and consequently direct the respondents 2 to 4 herein to give permission to conduct the temple festival namely Ärulmighu Srivinayagar, Sri Murugan, Sri Kaaliamman, Sri Mariamman, Sri Manthai Muniandi" situated in Naagaiya Kottai Village, Vedasanthur Taluk, Dindigul District on any date in the month of Avani.

For Petitioner : Mr.M.Gnanagurunathan
For Respondents 1 to 3 :Mr.Sadhishkumar
Additional Government Pleader

For 4th Respondent : Mr.S.Palanivelayutham
For Respondents 5 & 6 : Mr.B.Vinoth Balan

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O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 01.08.2017 passed by the 3rd respondent and to quash the same and consequently direct the respondents 2 to 4 herein to give permission to conduct the temple festival namely "Arulmighu Srivinayagar, Sri Murugan, Sri Kaaliamman, Sri Mariamman, Sri Manthai Muniandi" situated in Naagaiya Kottai Village, Vedasanthur Taluk, Dindigul District on any date in the month of Avani.

2.Heard Mr.M.Gnanagurunathan, learned counsel appearing for the petitioner, Mr.Sadhishkumar, learned Additional Government Pleader appearing for the respondents 1 to 3, Mr.S.Palanivelayutham, learned counsel appearing for the fourth respondent and Mr.B.Vinoth Balan, learned counsel appearing for the respondents five and six.

3.Earlier this Court directed the third respondent to conduct the peace committee meeting between the petitioner group and the other group represented by the respondents 5 and 6, in the presence of either the fourth respondent or the second respondent, regarding the conduct of the festival in "Arulmighu Srivinayagar, Sri Murugan, Sri Kaaliamman, Sri Mariamman, Sri Manthai Muniandi temples". In the earlier peace committee meeting, it was observed that the petitioner put conditions to the contesting respondents to withdraw the suit filed by them before participating in the peace committee meeting. Because of the attitude this Court was not convinced that the petitioner has approached this Court with bona fides. However, pursuant to the direction of this Court, it is found that it is only the contesting respondents who refused to sign the resolution insisting that they also should be given some privilege regarding their participation in the performance of pooja and other religious activities inside the temple. It was only after recording the objections of the contesting respondents, the Thasildar has permitted the petitioners to conduct the temple festival from 03.09.2017 to 05.09.2017. However, it was also observed that the petitioner can not prevent the contesting respondents from entering the temple and offering worship in the temple. It appears that the contesting respondents are claiming certain privileges in the temple which has not been enjoyed by them. Even in the suit filed by them, the relief prayed for by them is only to declare their right to worship in the temple and for consequential injunction.

4.In such circumstances, the submission of the learned counsel appearing for the respondents that they also should be allowed to participate in the temple, in the sense, that they should be permitted to participate in the performance of Pooja and religious

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activities inside the temple, cannot be accepted. Even if the respondents claim any such privilege, it is open to them to approach the Civil Court for appropriate relief.

5.This writ petition is therefore disposed of with a direction to the respondent police to give permission and provide adequate police protection to the petitioner and his men to conduct the festival in the temple from 03.09.2017 to 05.09.2017 and the second respondent is at liberty to put any reasonable restrictions or conditions so as to ensure peaceful conduct of the festival. As observed by the Tahsildar in the peace committee meeting, the respondents and their men shall also be permitted to offer worship and visit the temple. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Eriyoru Police Station,
Dindigul District.

3.The Tahsildar,
Vedasanthur Taluk,
Dindigul District.

+1CC TO Mr.M.GNANAGURUNATHAN, ADVOCATE, SR NO.75847
+1CC TO Mr.B.VINOTH BALAN, ADVOCATE, SR NO.75952
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.75982

ORDER MADE IN
W.P.(MD).No.15174 of 2017
31.08.2017

vsg/rmk
MS/PN-AAM/SAR.1/01.09.2017/3P.7C

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